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ANNALS
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THE CAUSES OF THE UNPOPULARITY OF THE
FOREIGNER IN CHINA.¹

The subject under discussion—the cause of the unpopularity of foreigners in China—is a delicate one for me to handle. When I was asked to come to this meeting and give my views, my first impulse was to keep out of the way as far as possible. The reason did not lie so much in the difficulty of pointing out the causes as in the disagreeable features of the subject. I felt that, no matter how impartial and dispassionate I might be in treating it, I could not help stirring up a hornet's nest, and that, in any event, it would be a thankless task. But, after giving the matter due consideration, and seeing the various reasons given from time to time by different writers and speakers, some of which are correct while others seem to me insufficient, I considered it my duty, in view of the importance of the subject, to do my part in ascertaining the real causes and suggesting remedies for their removal. I felt that I ought not to shirk

¹ Address before the American Academy of Political and Social Science delivered on the evening of November 20, 1900. The other addresses delivered at the same time are summarized in the January *Bulletin* of the Academy.

the task, however unpleasant. So I have come here to-day to speak for myself as a Chinaman who has lived among foreigners and can speak from personal knowledge. I will endeavor to be impartial and just to all parties and not allow prejudice and bias to warp my judgment. My sole aim is to state all the facts and tell the truth and nothing but the truth.

We find that China, in ancient times, was not indisposed to trade and intercourse with the outer world. The foreigners who happened to set foot on Chinese soil in those days came from the neighboring countries in Asia. They traded with the people of China, intermingled freely with the natives, and were considered during their sojourn as Chinese. Thus they gave us no trouble, politically or socially. In fact, they adopted our customs and manners. All accounts agree that they lived peaceably with the natives. On the other hand, the Chinese never manifested any ill-feeling or animosity toward a foreigner who happened to be within their gates. We find this to be one of the injunctions of Confucius, who flourished in the fifth century before Christ: "Be kind to strangers from afar."

Coming down to later times, we find that foreigners in China were treated not only with kindness and consideration but with great respect. Even official posts were open to them. To give you one instance out of many, I will only mention Marco Polo, the celebrated Venetian traveler of the Middle Ages. He visited China in 1274. He was so well received and respected that he obtained an official position under the government. He successively held the offices of privy councilor, assistant envoy and governor of Chihkiang. When he afterwards determined to return to his native country, his popularity was so great that the court was very reluctant to let him go. There is at the mouth of the Canton River in the southern part of China an old temple, known by the name of "Polo Temple." The inhabitants of the neighborhood say that it was dedicated to the

memory of some foreigner. But whether Marco Polo was that foreigner or not, I am not in a position to say. Thus it is apparent that the Chinese people originally were not opposed to the coming of foreigners to their country. Now it is an indisputable fact, as evidenced by the recent deplorable occurrences in North China, that there is a strong feeling against foreigners at the present day. The question is, How has this change come about? In order to find out the causes, we have to go back to the events that have taken place within the last half century. We find that foreigners from the west, though they were mostly honorable men, did not belong to the same class of persons as we had been accustomed to deal with. They came to China with their goods and wanted trade. They were different in color, in race, and in language. They did not observe our customs and manners. No sooner had they made their fortunes than they left China for good. Under these circumstances, it was natural that difficulties and disputes should often arise from misunderstanding, which, unfortunately, resulted in warfare.

It is not my purpose here to go into the causes which led to one war after another. Nor do I wish to be understood to say that China was always in the right. It is not to be expected that a nation which had lived in seclusion for centuries and had not learned the art of war as practiced at the present day, or the use of the modern engines of destruction, could come out of the struggle with any other than disadvantageous results. When the treaty of peace was made, China had to give her consent to many stipulations and conditions, granting extraordinary privileges to foreigners, not to mention the heavy indemnities she had to pay to the other side for the cost of every war. I do not, however, blame the western nations for resorting to force. No doubt, they had some provocation. But supposing you were in the position of the Chinese people, would you, after such an experience, bear no ill-feeling but still entertain friendly sentiments, toward those who had thus treated you? This,

gentlemen, is one of the causes that have made foreigners so unpopular in China. It should be remembered that, speaking generally, the Chinese have no intimate knowledge of foreigners, who all dress alike, and speak languages they do not understand; accordingly, they treat all foreigners alike.

It has been commonly supposed that missionaries are the sole cause of anti-foreign feeling in China, and that they are to be held responsible for the late uprising. I believe that this charge against them as a body is unfair. Before going any further, I wish to state that the missionaries in China, some of whom I know personally, are, with a few exceptions, respectable and honorable men. They have done a great deal of good in China by translating useful works into the Chinese language, and by publishing scientific and educational journals, which give valuable information to those Chinese who do not understand any foreign language. They have also established some schools in the country and thus advanced the cause of education. The medical missionaries especially have been remarkably successful in their philanthropic work. They have established free hospitals and dispensaries, and dispensed medicine to poor sick Chinese. In time of famine they have been foremost and active in affording relief to the distressed. In short, it is difficult to estimate the amount of good work done in educational and other lines by these good men and women.

On the other hand, we must not be blind to the fact that some of their brethren in their excessive zeal to convert Chinese to their faith have been indiscreet in their conduct. In order to get as many converts as possible, they have not been very particular in their examination of candidates who presented themselves for admission to church membership. They have not been careful in excluding those who wished to join the church with some other object in view than the laudable one of becoming true Christians. Frequently a Chinese asks that he be admitted to a church because by so

doing he hopes to secure foreign protection. Thus instances are not wanting of missionaries interfering in the administration of justice in Chinese courts, and using their influence to secure a favorable decision for their converts. Chinese officials naturally deem such interference on the part of missionaries in disputes or suits between purely Chinese subjects as an attempt to dictate the course of judicial procedure. I do not here refer to the merits of those cases in which Chinese converts are interested. Perhaps the native Christians have good cause for complaint. But the fact that the missionaries plead for one of the litigants naturally gives offence to the non-Christian Chinese on the other side. Hence another cause of unpopularity of foreigners among the Chinese.

By treaty, missionaries have a right to go to any part of China and reside there for the purpose of propagating their religious doctrines,—a right not possessed by other foreigners in China. Now foreigners in China reside in the treaty ports open to foreign trade, and the Chinese who live in those ports have an opportunity to come in contact with them. But in the interior, the general mass of the people very seldom see a foreigner. When a missionary comes among them, it can be easily understood that he cannot but excite a great deal of curiosity.

The other day I noticed in the *Century Magazine* an account of Dr. Crawford's experience as a missionary in the interior of China. He has been residing in that country with his wife for a half century. It is stated that when he first came to China to preach the gospel, he considered it hardly compatible with the dignity of an American citizen to adopt the Chinese dress, as the Western garb appeared to him an advantage in his mission, more liable to attract the attention and respect of the population in the different places he visited. In fact, no effort was needed to get an audience together, for great crowds usually collected about him, anxious to learn what the tall stranger with the

stovepipe hat, narrow trousers and leather boots had to say. But hardly had he begun to preach to them in their own language than they became bolder, investigated the cut of his coat and trousers, felt the materials between their fingers, touched his boots, and interrupted him continually with all sorts of questions—how the leather boots were put on and off, where he got the trousers, how much the materials cost and where he had learned their language. Tired of these continual interruptions, he at last determined to satisfy the curiosity of his listeners from the very outset. Arriving in the next village, he addressed the crowd assembled about him as follows: “Brothers, I hail from America; my trousers are made of wool stuff, to be got at Shanghai for two ‘tiao’ per yard; my boots are made of calf-skin, and are put on in the same way as the socks you are wearing; your language I acquired in Peking, and I have come to tell you about the true God,” etc. This, however, satisfied the audience but little. They waited patiently until he had finished, and then, they again began questioning him about his trousers. Finally he became convinced that it was by far the best policy to adopt the Chinese dress, and for nearly fifty years he has worn no other. This shows the curiosity with which foreigners are regarded by the Chinese.

In every country foreigners with their distinctive national dress venturing into the unfrequented regions of the interior naturally attract the gaze and excite the curiosity of the natives. I am glad that some of the missionaries have adopted the Chinese dress, which, in my humble opinion, is more comfortable than any other. There are many others, however, who retain their national costume in China. It is, therefore, incumbent upon the missionaries, especially those who still retain their own national dress, to exercise the utmost discretion and caution not only in what they say but also in what they do. When persons of this character, in their peculiar position, preach a foreign doctrine in the interior, publicly condemning the cherished traditions of China,

proclaiming the worship of ancestors and idols to be a useless performance, and saying to their hearers that they must discard such practices and embrace the only true religion, as they call it, or else they will be condemned to everlasting fire—put yourselves in the position of the Chinese people, and you will have no difficulty in understanding their feeling under such circumstances ! Is it unnatural that such actions should create unfavorable impressions among the natives with regard to foreigners ? I do not blame the missionaries for their activity in preaching the gospel. It is their profession. Nor do I blame them for residing in the interior, because they are there in accordance with treaty stipulations. I only wish to point out the peculiar and delicate position in which these good men are placed. Some of them, no doubt, have been successful in their work without encountering much opposition. But in this world all men are not cautious and discreet, and missionaries are not exceptions to this rule.

The general attitude of foreigners toward the Chinese has had a great deal to do with the opinion and feeling entertained by the natives toward them. The Chinese are a receptive people and extremely susceptible of impressions and influences. They are not apt to forget either a favor or an injury. The former excites in their breast as much gratitude as the latter resentment. In case of an injury, though they may not retaliate, their feeling against the offender is none the less strong. This, I suppose, is human nature, which is the same the world over. The Chinese in this respect are following the precept of Confucius, who has taught them to “ requite injury with justice and kindness with kindness.” I confess that this is not so noble and grand as the Christian doctrine, “ Love your enemies ; bless them that curse you ; do good to them that hate you.” But this doctrine is so noble and grand that no weak and frail mortal, at least in our generation, has been able to attain to it. I am afraid that it has become a dead letter. At any

rate, I cannot recall from my limited experience a single person or nation that has ever acted up to that precept. Let us now examine the attitude of foreigners toward the natives in China. This is a delicate subject. Still, if you wish to know the truth, it is necessary to touch upon it, though the task is by no means a pleasant one. All foreigners in China enjoy special advantages and rights accorded to them by treaty. They do not come to the country by sufferance, but have a right to come and reside therein. Moreover, they carry with them the laws of their respective countries. The local authorities have no jurisdiction over them. They are only subject to the control of the officials of their own country. The natural consequence is that foreigners form a sort of privileged class with peculiar rights and advantages, which are denied to the natives, and, by reason of their freedom from local control, consider themselves as superior beings—more as lords of the country than as strangers in a strange land.

When they find the customs and manners of the country different from those to which they have been accustomed, they not only disregard them but often do not refrain from expressing their opinions in the most offensive way. The long-cherished traditions and institutions of the country are frequently treated by them with contempt. In this way they excite the ill-feeling of the natives. Moreover, their conduct toward the Chinese is, in other respects, by no means exemplary. Take, for instance, their business intercourse with the natives. Chinese merchants who go to foreign houses to give orders for goods have not always met with the courtesies and civilities due to men of their position. Instances are not wanting of customers being treated with positive rudeness. I am glad to find that such conduct has not been so noticeable in recent years. Again, the general mass of the people receive scant courtesy at the hands of foreigners. If you go to China and stay at any of the treaty ports, you will often see Chinese coolies caned and kicked

in the streets by foreigners without the least provocation. The beating of chair coolies and servants is also a matter of daily occurrence. I do not mean to say that the lower classes of Chinese do not sometimes try a man's patience, but the frequent infliction of corporal punishment by foreigners upon unoffending Chinese is what no fair-minded man would approve. Ill-considered acts of this kind are talked about, and greatly embitter the feelings of the natives against foreigners.

It is but fair to mention that there are foreigners in China, and these are not few, who treat the natives with every consideration and fairness, and entirely disapprove of the high-handed proceedings of other foreigners. For these good men I have nothing but words of gratitude and praise. But, unfortunately, the mischief done by the thoughtless and inconsiderate has more than counterbalanced the favorable impression created by them.

In this connection, I cannot help adverting to the character of the foreign press in China. Its general tone is calculated to set the whole Chinese nation against foreigners and things foreign. Take up any foreign newspaper published in China, and you will find that columns are devoted in almost every issue to denouncing the Chinese Government and its officials and condemning everything which the people hold dear and sacred. Far be it from me to assert that all Chinese officials are men of immaculate character. I admit that in China, as in every other country, some of the officials are unworthy of public trust. But the foreign newspapers in China lead one to believe that the Chinese Government is nothing but a sham; that the officials are all scoundrels; that the people are ground down by fearful oppression. It seems to be their settled policy to pick flaws in everything the Chinese do and begrudge even the small crumb of justice which is their due. If our government should adopt a certain policy, the motive for such a course would be sure to be misconstrued. If the provincial authorities should take

a certain step, even the best intentions would be distorted into something nefarious. The recent unfortunate uprising in China is a god-send to writers for the foreign press. It unfortunately furnishes them with just the kind of material for blackguarding the government and the people of China without stint. We Chinese representatives abroad, as well as many high officials and intelligent Chinese, deplore as deeply and denounce as strongly as does any foreigner the frightful atrocities recently perpetrated. It should be remembered that the violence of the Tientsin and Peking mobs was not directed against foreigners alone, but also against a large portion of their own countrymen. The number of pro-foreign Chinese, especially Cantonese, who lost their lives, families, property and all during those terrible days of mob rule was far greater than that of foreign victims. But since that lamentable outbreak, the Chinese people have been overwhelmed with obloquy and held up to the execration of the world without exception. The crimes committed by the Boxers are imputed to the machinations of the whole nation. Even the diplomatic representatives of China abroad have not escaped the general condemnation, but have been treated as *participes criminis*. Dr. Morrison, a correspondent of the London *Times* in Peking, went so far as to charge my colleague in London, Sir Chihchen Lofenglüh, and myself with barefaced mendacity in his telegraphic despatches. Here is a characteristic extract from one of his despatches:

"The most profound indignation is felt here (Peking) that Ministers Lo Fengluh and Wu Ting-fang, whose shameless lies and transmission of bogus Imperial Edicts delayed the departure of relief until it was nearly too late, are still received with honor in London and Washington."

I do not pretend to know the feeling of the besieged foreigners at Peking. But if Dr. Morrison voices the general sentiment, it only shows to what extreme people will sometimes go in indiscriminate condemnation. I can very

well understand how men and women, after being subjected to tremendous mental and bodily strain continually for a couple of months, may lose their equanimity and let their temper get the better of their judgment. Unless I am greatly mistaken, I do not, however, believe that a majority of the foreigners, who have been so cruelly confined in Peking, and with whom I deeply sympathize, entertain such profound indignation against Sir Chihchen and me as has been alleged by Dr. Morrison. I am led to this opinion, because I am told that Dr. Morrison is not always careful in his assertions, he having, some years ago, slandered the missionaries in China without just cause. When Dr. Morrison's absurd statement first appeared in the newspapers on both sides of the Atlantic, my colleague and myself immediately gave a flat denial. It is too charitable to expect a public apology from Dr. Morrison. But it seems to me quite extraordinary that the London *Times* should have not only ignored our reply, but even repeated in a late issue of that paper the charge of "shameless mendacity" against me without a tittle of proof. This clearly shows the prejudice of that journal. I know that a public man is liable to all insidious attacks and ought not to be too thin-skinned. As for myself, I hope to be able to live down all slanders of this kind. But the general mass of the Chinese people are not of so philosophical a turn of mind. When they see such sweeping attacks upon their country, their public men, their traditions and their institutions made by the foreign newspapers in China, is it a wonder that they entertain anything but a friendly feeling toward their slanderers?

I should like to mention that I and those Chinese who have a knowledge of some foreign language, as a rule, stand up for the foreigners in China, and for this reason we are generally regarded with suspicion by many of our conservative countrymen. It is rather disheartening for us to find that while incurring their displeasure, we have still to run the gauntlet not only of foreign criticism but also of foreign

slander. This seems like jumping from the frying pan into the fire.

Events of recent years in China have done much to increase the bitter feeling already existing between the Chinese and the foreigners. The seizure of territory without proper compensation ; the forcible taking of lands from their Chinese owners, who have been in continuous possession from time immemorial ; the rough treatment received by those acting in defence of their rights, sometimes resulting in bloodshed—these have added fuel to the flame and contributed to the unpopularity of foreigners among the Chinese. In saying this, I do not wish to convey the impression that the Chinese are entirely free from blame. They are at fault in that they generally are over-suspicious of foreigners and do not study and appreciate the good points possessed by them. They have clung stubbornly to their old conservatism and remained content with the existing condition of things and unwilling to learn from the outside world. Many of them still think that the ancient civilization, which has existed for centuries, is still good for China in our day and generation, without any change to meet the requirements of modern life. If the Chinese had done as their enterprising neighbors, the Japanese, have done, they would doubtless stand higher to-day in the estimation of the world.

Now the question naturally arises, what are the remedies for this unsatisfactory state of things? I will endeavor to answer it to the best of my ability. First of all, foreigners should show more consideration for the feelings of the natives than they have done heretofore. Chinese customs and manners are not necessarily bad, because they happen to be different from the customs and manners of the peoples of the West. Foreign ways are not always the best. I would advise foreigners in China to be more sparing in their condemnation of things Chinese and to try to understand the people better. If they should observe anything that is really objectionable, they ought rather to use gentle

arguments. Let them remember that sweeping denunciations of other people's ways serve only to stir up ill-feeling and antagonism, and do not carry conviction with them.

In the next place, foreigners, in their intercourse with Chinese officials, merchants and educated men, should remember that true politeness is the same in China as in Europe or America. Chinese etiquette may appear at first sight too complicated for the Western mind; but at the bottom of it lies a tenderness for the feelings of others,—an idea which, I am sure, even the dullest mind can grasp. Above all, foreigners in China should not treat all Chinese with whom they come in contact as inferior to them in intellect or education and unworthy of their society, but should show their friendly feeling, which will no doubt be reciprocated. They should live among the people of the country and not keep themselves apart as being above them.

In the third place, the foreign newspapers in China, which are all owned and published by Europeans, should assume a more conciliatory tone toward the government and people of China. Many Chinese can read foreign papers. If the foreign press award honor and praise to whom honor and praise are due, these intelligent men will tell their countrymen that foreigners are, after all, not unfair or unjust. With regard to missionaries, since they have treaty rights to reside in the interior, it is not to be expected that they will give up such rights. These men have it in their power to create either a good or bad impression upon the natives as regards foreigners. As I have said before, they have, on the whole, done a great deal of good in China. I hope that, after this, missionary societies in this country and in Europe will send out to China only first-class men who have proved themselves to be men of intelligence, tact and discretion, and will weed out those who are impulsive, hot-tempered and indiscreet. It would contribute greatly to the success of the Christian cause if only medical missionaries were sent to China. These men and women, while they are quietly

dispensing medicines and healing diseases, can do a great deal toward enlisting the good-will and sympathy of the natives. If this is impracticable, I should like to see the non-medical missionaries establish schools and libraries for the advancement of Western learning and knowledge and of Western arts and sciences. This would be a means of getting the educated class on their side.

In conclusion, foreigners in China should not judge us according to their own standards. They should take account of both our good and our bad points, and give us credit for the former while making due allowance for the latter. Above all, they should assume a more conciliatory attitude in their intercourse with the natives, so as to overcome their distrust and hostility. It is unpleasant to be compelled to criticise other people. I do so now not in a carping spirit. My aim is to remove difficulties, create harmony, and increase the friendliness between China and other nations. The history of China's intercourse with Western nations has been a continuous chapter of misunderstanding. Mistakes have been committed on both sides. What has been done cannot be undone. But let us profit by our past experience and avoid similar mistakes in the future. My earnest hope is that there will be less friction and more cordiality and friendliness between the natives and foreigners. If what I have said will contribute, in any measure, however small, to that desired end, I shall feel amply repaid.

WU TING-FANG.

Chinese Embassy, Washington.

THE ANTHRACITE COAL STRIKE.

The mine workers in the anthracite coal fields of Eastern Pennsylvania were ordered out on strike by President John Mitchell, of the United Mine Workers of America, Wednesday, September 12, the strike to be inaugurated the following Monday, September 17. On the latter date, at the lowest estimate, 80,000 men and boys (the United Mine Workers claimed 100,000) laid down their tools and quit their accustomed tasks. Before the week closed 125,000 of the 140,000 anthracite mine employees in Pennsylvania were idle. The men remained away from their collieries forty-two days, their number increasing gradually until over 130,000 were involved. They resumed work in a body on Monday, October 29, after nearly every operator had conceded their more important demands and had promised to remedy the other grievances complained of. From less than 8,000 members from among the anthracite coal workers at the opening of the struggle, the United Mine Workers had increased its membership to over 100,000 before the strike was declared at an end. During the progress of the strike the production of anthracite coal was almost entirely suspended, the daily output being estimated at 10,000 tons. The price per ton, as quoted by the big companies at Philadelphia, rose from \$5.50, on the day the strike went into effect, to \$6.75, the day the strikers went back to work.

The importance and far-reaching effects of this great struggle between capital and labor were, of course, connected with the fact that practically all the hard coal mined in the United States and used as fuel by thousands of industries in the Eastern, Middle Western and Southern Atlantic States comes from the territory over which it extended. This great industry, involving the operation of 366 collieries and giving direct employment to 140,583

men and boys¹ is concentrated within an area of less than 490 square miles. In 1890 the capital invested in anthracite mining aggregated \$161,784,473. During the same year \$39,278,355 was paid in wages. The production of anthracite coal has increased, in half a century, from 3,358,899 long tons in 1850 to 54,034,224 long tons (valued at \$104,000,000) in 1899. According to the report of the State Bureau of Mines for 1899 this latter amount was mined in the ten counties of Carbon, Columbia, Dauphin, Lackawanna, Luzerne, Northumberland, Schuylkill, Sullivan, Susquehanna and Wayne. Luzerne, Lackawanna, Schuylkill, Northumberland and Carbon produced by far the largest amount.² All these counties lie in the hills and valleys of the Blue Ridge Mountains, extending from the headwaters of the Schuylkill and the Lehigh rivers northward and westward to the Susquehanna River. The deposits of coal they contain differ so greatly from one another—the formation of the coal and the conditions of mining in each vary so widely—that in trade circles the entire region has become divided into three distinct fields or districts, the Northern or Wyoming and Lackawanna, the Middle or Lehigh and the Southern or Schuylkill.

Into this small territory nine railroads have extended their lines and compete for the transportation of the coal. The intensity of this competition was what first induced the railroads to become mine owners. There are now three general classes of operators engaged in the production of anthracite coal—the railroad mine-owning companies, corporations not identified with the transportation system, and the "independent" or individual mine owners. Thirty years ago the

¹ Of the 140,583 employees, about 90,000 work inside the mines and 50,000 outside. Of the former 36,000 are miners, 24,000 laborers, 10,000 drivers, 3,000 door boys, 800 fire bosses, 500 foremen and 15,812 all others. Of the outside employees, 24,000 are slate pickers, 4,500 engineers and firemen, 2,000 blacksmiths and carpenters, 422 superintendents, 375 foremen and 18,703 all others.

² In 1899 Luzerne produced over 21,000,000 tons; Lackawanna, 13,000,000; Schuylkill, 12,000,000; Northumberland, 4,000,000, and Carbon, 1,000,000,—these five counties thus produced 51,000,000 of the total of 54,000,000 tons.

latter were practically the only operators in the anthracite fields. They now number less than one hundred, and for their own protection have organized themselves into the Anthracite Coal Operators' Association.

The tendency of the railroads to become operators first became marked in 1871. Repeated strikes resulting in the withdrawal of the coal shipmen's, upon which the earnings of the companies largely depended, coupled with the danger that still other transportation companies would invade the territory, induced the Reading Railroad and the other roads then in the region, at the close of the strike begun January 10, 1871, to take steps toward securing coal lands and opening mines. The first move of the roads was to raise freight charges, most of them doubling and one of them, the Reading, trebling their rates. These rates, as was intended, proved prohibitive; the operators who had resumed, at once closed their mines, and in a short time many of them had sold out to the railroads at what might be called forced sales. The tendency toward a close consolidation of interests on the side of the railroads began about the same period and still continues.¹ These companies now control

¹In 1898 "the controlling interest in the New York, Susquehanna & Western Company was acquired by the Erie Railroad Company largely increasing the latter's interest in the anthracite trade. The Delaware & Hudson Canal Company finally decided to abate its shipments by its canal from Honesdale to Rondout and made a closer contract with the Erie for its northern trade" (*The Mineral Industry*, Vol. VIII, page 169). In 1899 "purchasers of coal lands were unusually active. . . . The steel and iron companies have acquired reserves of fuel supplies and have bought many thousand acres of coal lands." In March, 1899, "the Temple Iron Company was formed and some extensive purchases of coal lands were made by the New York, Ontario & Western" (*The Mineral Industry*, Volume VIII).

This tendency among the railroads is having more far-reaching effects than that of merely driving out individual operators. The roads are rapidly overcoming the competition of the waterways in the transportation of the hard coal product. "Formerly a considerable share of the anthracite coal went to Buffalo by canal, but in recent years this traffic has somewhat decreased, and nearly all the anthracite delivered in Buffalo, either for consumption or shipment, is received over the railroad lines" (Page 144, Vol. III, *The Mineral Industry*). "The steady advances made by the (anthracite coal) combine have almost ruined the Missouri River trade" (Page 91, Vol. I, *The Mineral Industry*). The purchase of docks and yards in the large cities by the railroad companies some think also threatens the elimination of the small dealer.

approximately 75 per cent of the output of anthracite coal, over 60 per cent, according to reliable estimates, being controlled by the Morgan roads alone. As the sole carriers to tidewater, they easily regulate the production of the entire region, operating as they do in all three districts. The railroad mine-owning companies are the Philadelphia & Reading, the Lehigh Valley, the Central of New Jersey, the Pennsylvania, the Delaware & Hudson, the Delaware, Lackawanna & Western, the Erie and the New York, Susquehanna & Western, the Delaware, Susquehanna & Schuylkill, and the New York, Ontario & Western.¹

These companies not only fix the price of coal upon which depends the wages of the miners, but they are able to determine to what extent freight rates shall enter into that price at tidewater and at other points. The rates to tidewater, for operators not identified with the transportation systems, range from 40 to 68 per cent of the selling prices of the coal at tidewater, the rate depending on the coarseness of the product. The roads thus get on an average 40 per cent of the prices paid at tidewater points, leaving to the operator only 60 per cent. This proportion is now practically universal. Under this arrangement the roads virtually buy the coal at the mine and are then at liberty to sell it for a higher price at non-competitive points. At competitive points, on the contrary, the companies may cut the tidewater price. In this way the individual producer is prevented from being a factor in the market. Tidewater prices may be at one figure and prices at intermediate points at another. Very few, if any, of the individual operators are able to hold the

¹ In 1899 the production and shipments of anthracite coal for these roads was as follows:

	TONS.	PER CENT.
Philadelphia & Reading	9,684,000	20.3
Lehigh Valley	7,589,000	15.9
Central of New Jersey	5,393,000	11.1
Delaware, Lackawanna & Western	6,372,000	13.5
Pennsylvania Coal Company	2,347,000	4.9
Delaware, Hudson & Lackawanna	6,430,000	13.0
Other roads	9,851,000	20.7

market and sell their coal at the best price obtainable at any and all points.

For years bitter wars have been waged by the individual operators against the railroads on account of the exorbitant freight rates. In 1898 the charges by the roads for the transportation of coal became such a serious burden to the towns in the coal region that an organization, called the Anthracite Association, was formed among the chambers of commerce of a number of the cities for the purpose of securing lower freight rates to New York and Philadelphia, and doing away with alleged discriminations. In this way they hoped to lower the selling price and stimulate the consumption of hard coal. The association met with little success. About the same time individual operators in the vicinity of Scranton and Wilkesbarre also took active steps to break away from the conditions imposed by the railroads by having surveyors lay out a road from Scranton to New York. This road when completed was to be called the New York, Wyoming & Western. Nothing beyond surveying the route has yet been done. In one instance, that of Coxe Brothers & Company, also known as the Cross Creek Coal Company, operating in the Lehigh district, the Lehigh Valley Railroad was forced to grant the company the special privilege of running its own cars and engines, manned by its own employees, in special trains over the tracks of that railroad to tidewater. This privilege was secured, however, only because this company built a railroad (the Delaware, Susquehanna & Schuylkill) connecting with all its mines and enabling it at any time to transfer its entire custom to a competing road. As a general thing, the railroads are in a position to charge the highest rate the traffic will bear, making good any losses they suffer as coal mining companies out of their profits as transportation corporations.¹ They charge more for carrying a ton of hard

¹ "The Philadelphia & Reading Coal and Iron Company reports the running expenses nearly equal to receipts, leaving nothing to pay interest on its liabilities,

coal one mile than is charged in Western Pennsylvania for carrying soft coal four miles.

But there is an even worse phase to this railroad domination in the anthracite coal fields. The demand for hard coal has always been, year in and year out, less than could be supplied. More mines are opened and in operation than are necessary to meet this demand. The total production of all the mines now open, if run the year round, (taking 300,000 tons, the daily output for each producing day in 1899, as a fair estimate of the daily capacity and 250 as the maximum number of producing days in a year), would be 75,000,000 tons.¹ In 1899 the total production was only 54,000,000 tons, the average number of working days being only 180. The competition among the railroad mine-owning companies is so keen that none of them are willing to close down anyone of their mines so long as there is enough profit to pay for running it for only half the year. Here is an enormous waste both of capital and labor. The greater part of the former is fixed capital and the charges on it are but little changed, whether the plants are running or idle. During the time when the mine laborer is out of employment there is no other occupation in the coal fields to which he can devote his energies so as to increase his earnings. He must make enough during the days he does work to support himself and his family through the whole year.

while the Lehigh Valley Coal Company's product costs it more than it receives for it. However, most of these concerns transport their own coal and realize their profits in its carriage. The Pennsylvania Coal Company, which confines itself strictly to mining, obtains low rates of freight from the railways, and pays regular dividends. This company, however, has the exceptional advantage that its coal lands were bought many years ago at a small cost and it is not obliged to pay heavy royalties or interest on extravagant first-cost of property, as many of its competitors do."—*The Mineral Industry*, Page 167, Vol. VII.

¹ If the miner worked 250 days the daily capacity would decrease. The time the men work at the different collieries is judged by the time the breaker is in operation. But the miners and other mine employees work during days when the breaker is idle in cleaning up their working places or breasts and in getting the product in such condition as to be able to get out the greatest quantity possible on the days when the breaker is running. Under these conditions the miner, it is estimated, works on the average four-fifths of the year, while the time, as given by the operation of the breaker, may be put at a little over one-half the year.

With a capacity to produce anthracite coal so much above consumption, some form of agreement among the operators was absolutely necessary. It is plain that the tendency of such an agreement would be to keep the poor mines, which should be shut down, running and to limit the good mines in their output. An agreement of this nature does exist among the operators.¹ Whether it be called a "trust," a "combine," a "pool," or by some other name less unsavory to the consumer is immaterial. Among the operators it is known as "an understanding among gentlemen." By this agreement each colliery has "allotted" to it monthly a certain number of tons as its product for the ensuing month. In this way the entire output, estimated beforehand by the sales-agents at a general meeting, is distributed among all the collieries. These sales-agents at the same meeting agree upon "circular" prices, and recommend to the operators a restriction of the total tonnage to the amount they have estimated that the market will take at the prices fixed. This understanding, appearing so nicely on paper, does not and cannot, so long as there is no stronger sanction back of it, successfully regulate the output. All that is necessary to break it is for a given colliery to increase its output above the "allotment" in consequence of a special order for coal placed with it. The fact of the matter seems to be that these "recommendations" are continually ignored. In any case the statistics of production show that the collieries rarely, if ever, keep within the allotments.

This operating of too many mines has a disastrous effect upon the miner. It keeps constantly on hand an oversupply of labor, thus limiting the number of working days² and

¹ The first step among the operators to combine to restrict production and maintain prices was taken as far back as 1872. Prior to that year, however, the miners tried, in 1869, to "make such arrangements as will enable the operator and the miner to rule the coal market," and the way the miners went about this was to propose to the operators that after that time their wages be based upon the selling price of coal. It was with this object in view that the sliding scale was adopted in the Schuylkill and Lehigh fields.

² The anthracite miner did not average more than 204 days from 1890-93; 100 days were about the average from 1894 to 1897; he worked 150 days in 1898 and 180 days in 1899.

causing irregular employment to prevent over-production. But worse even than this, it has led to the introduction of the cheap pauper labor of Europe with its low standard of living.

All the blame for the introduction of Hungarians, Poles, Slavs and Italians into the hard coal region cannot perhaps be laid at the door of the operators. The miner may be, in part, held responsible, in that in order to make the most out of work in the mines he has taken under contract, he has striven to secure the cheapest labor possible. The miners themselves claim that this course has been forced upon them by the operators. In substantiation of this claim it is certain that these low types of European labor, about which so much complaint is heard to-day, did not begin to come into the anthracite coal fields until about 1875, four years after the railroads began to become coal-operating companies. This class of labor was increased no doubt by the act of Congress passed in 1874 "to encourage immigration." It is well-known that at that time companies were formed to carry out the intention of Congress. Within five years, by 1880, the Huns, Poles, Slavs and Italians had begun to increase in such large numbers as to threaten to drive out the English, Irish, Scotch, Welsh and German miners. With their low standard of living they soon forced down the rate of wages, and it was this that caused the strike of 1887-88.

These foreign laborers are still pouring into the coal region in an ever-increasing number.¹ They have invaded every district and even every mining town throughout the three fields. The English-speaking miner with his higher and better ideals and wants is unable to compete with this new labor and is being forced to abandon his occupation for some other or sink to worse conditions in life. In nearly every breaker old men—men appearing very old even when in middle life—can be found seated alongside the breaker boys

¹Statistics on this very important subject collected by the census of 1900 are not ready for publication. My conclusion is drawn from personal observation during a seven weeks' stay in the anthracite coal region.

picking slate for seventy-five to ninety cents a day. They passed from the cradle into the mines as breaker boys: they pass out of the mines into the grave as breaker boys.

The English-speaking miner demands a neat two-story frame house with from four to seven rooms, with a front porch and yard attached. He wants none but his own immediate family or very near relatives with him. The non-English-speaking miner will live in a one-room hut built by his own hands on a hill-side, of drift-wood gathered at spare moments from along the highway. In not a few of these huts the most conspicuous articles of furniture are mere bunks built in rows along the wall. He is not particular with whom or with how many he lives except that they must be of his own nationality. Nor is he as fastidious about his dress as his English-speaking brother. The foreigner seems to have no particular objection to cast-off clothes. In a funeral procession of over 5,000 strikers, nearly all of whom were foreigners, at Shenandoah, nearly every man wore clothes long out of fashion—hats, coats and trousers either bought by some second-hand dealers in the large cities and sent to the coal fields to be disposed of or purchased by the foreigners upon landing in this country. The English-speaking miner, as a general thing, wants his suit to be new even if it must be of a cheaper grade of cloth. As to material the foreigner is the best clothed miner in the anthracite fields.

These are a few of the many differences between the English-speaking miner and the European laborer, showing the source of the advantage of the latter in competition. Another advantage, especially on the side of the Poles, is that they will venture into dangerous places to mine coal where few of the other nationalities will go. The Italians, on the other hand, will not, as a rule, go into the mines at all. Their competition is thus confined to outside work. Under the laws of Pennsylvania the foreigner, as well as others intending to become miners, is required to spend two years as

a laborer in the mine before he can become a miner, but this law is violated more often than it is obeyed, even by those for whose protection it was enacted. The certificates which every miner must show when he applies for work are handed about with as little regard to the law as are railroad passes among politicians.

In the districts of the anthracite region are employed some fourteen different nationalities: Americans, Austrians, English, Germans, Irish, Scotch, Welsh, Hungarians, Italians, Poles, Russians, Swedes, Slavs and Greeks. Of the Poles, Huns and Italians, Dr. Virtue in his article on "The Anthracite Mine Laborers," published by the Department of Labor in its Bulletin of November, 1897, says:

"The United States census of 1890 shows the total number of these nationalities in the five anthracite counties to be 28,216. This is 10,307 less than the foreign-born Irish in the same counties, 5,627 less than the foreign-born Germans and Austrians combined, while of English there were 22,729 and of Welsh 23,404. There is no means of knowing the number of the various nationalities employed at the mines, but it is certain that a far greater proportion of the Polish, Hungarian and Italian population are so employed than of the other nationalities named. A fairly accurate indication of the number and growth of this class for the last half dozen years may be had from the following figures furnished by the Philadelphia & Reading Coal and Iron Company, showing the 'nationality and percentage,' but not the place of birth, of the employees at their mines in 1890, 1895 and 1896:

Number and per cent of the various nationalities employed at the collieries of the Philadelphia & Reading Coal and Iron Company, 1890, 1895, 1896.

NATIONALITY.	1890.		1895.		1896.	
	No.	Per cent.	No.	Per cent.	No.	Per cent.
American	4,719	19.1	5,765	20.6	5,838	20.6
English	2,088	8.4	1,900	7.0	1,799	6.3
Irish	6,887	27.8	6,450	23.0	6,025	21.3
German	3,709	15.0	3,471	12.4	3,207	11.3
Scotch	210	.9	223	.8	168	.6
Welsh	1,282	5.2	1,112	4.0	1,037	3.7
Polish	4,287	17.3	5,955	21.3	6,895	24.3
Hungarian	1,465	5.9	2,800	10.0	3,180	11.2
Italian	86	.4	245	.9	211	.7
Total	24,734	100.0	27,981	100.0	28,360	100.0

"These figures account for about 70 per cent of the mine laborers of the Southern field. Assuming the same proportions for the whole region, there are not far from 50,000 of the class of which most complaint is made employed at the anthracite mines. The table shows a rapid increase of the class since 1890. In that year the three nationalities formed 23.6 per cent of the employees of the Reading collieries. In 1896 they formed 36.2 per cent. It may be said that the estimates of this element of the population are invariably higher than here set down. But those estimates are usually based upon impressions rather than the actual returns from the collieries."

Contemporaneous with this increase of European labor in the anthracite fields there has been a noticeable decrease in the last four years in the total number of men employed in the production of hard coal, due partly to the introduction of machinery and partly to a more intelligent direction of labor. From 1890 to 1896 the number of employees increased from 109,166 to 149,670; but in 1897 the employees numbered 149,557; in 1898, 142,420; and in 1899, 140,583.¹

These are the more important general conditions affecting the production of anthracite coal. Weak and defenceless as the individual miner was against such forces he, for long, could do nothing to prevent what, to many, seemed inevitable—a gradual decrease in earnings and a consequent lowering of his standard of living.

The miserable condition of the anthracite mine workers had for several years engaged the attention of the United Mine Workers of America. In fact, ever since the partial success of that organization in the bituminous fields of Western Pennsylvania, in 1897, its officers have had in view a betterment of the condition of the hard coal miner. In that year this organization succeeded in having adopted in the soft coal region an agreement between the operators and the miners in accordance with which their representatives now meet annually, about April 1, in joint convention and

¹ This decrease in the number of laborers has not resulted in any decrease in production, as is shown by the following figures: In 1890 the production was 40,089,355 tons; in 1896, 48,074,330; 1897, 46,947,354; 1898, 47,145,174; and in 1899, 54,034,224 tons.

determine, among other things, upon the wages of the mine workers for the ensuing year. Prior to this time members of the organization had gone into the Lehigh and Schuylkill districts and by 1896 had formed about ninety-four locals. It was not until 1899, however, that members of the National Executive Board and National Organizers were stationed in the anthracite region. For more than a year before the strike was begun these men were at work preparing the miners for the struggle.

The monumental task which they accomplished in such a short time cannot be even imagined by one unfamiliar with the actual conditions in the anthracite region. They had to organize men of fourteen different nationalities and with almost as many different languages, religions, customs, and standards of living; they had to allay distrust on all sides, born partly of ignorance and partly of a past full of failures in efforts to attain the very objects that the United Mine Workers were striving for; they had to overcome a most bitter feeling of jealousy and hatred which had grown up between the miners of the three fields as a result of past strikes, and they had to encounter conditions of mining differing to such an extent in the separate districts as to make almost impossible common and general grievances. These representatives of organized labor went before the men of the anthracite region with a history on nearly every page of which was written failure in strikes undertaken and destruction to every union which had attempted to fight the miners' battle. They had to confront living witnesses among the old and more influential miners who foretold the failure of any and all efforts directed to securing for the men better conditions, and who testified that the condition of the miners after strikes had heretofore in all cases been worse than the state of living which preceded. Not only were all these almost insurmountable obstacles to be overcome before a strike could be called, but the United Mine Workers of America had to deal with a normal surplus of labor, and

men bidding against each other for work ; they had to face a market over-supplied with coal ; they had to meet the ever present danger of inability, at critical times, to guide and control the storm they were arousing ; they had to fight the bitter, and, at times, almost crushing opposition to organized labor of the operators and railroads. That the union successfully met and overcame these obstacles is more to the credit of the organization and its officials even than the successful outcome of the strike.

The strike itself was the most successful—practically the only successful one—ever conducted in the anthracite coal fields of Pennsylvania. It was the first time in the history of hard coal mining in the United States that the entire region had been involved in a strike for an increase in wages. All previous strikes, with the possible exception of that of 1887-88, were to prevent reductions in wages. That there were general grievances among the men in all three districts is shown by the large number of mine workers who laid down their tools and extinguished their lamps on the first day of the strike. Never before had the anthracite mine workers been brought to realize the solidarity of interest that they recognized on that day.

When the United Mine Workers of America went into the territory¹ to organize the men, it took the three fields into which the region had been divided in trade circles and made of each a separate district, with a president at its head. The Northern field was called District 1, the Middle, District 7, and the Southern, District 9. The men of the Wyoming and Lackawanna field (District 1), were the first to be thoroughly organized under the banner of the union, and naturally they were the first to take steps looking toward an amelioration of their condition. Before the inauguration of the strike, at a meeting of this district held at Scranton

¹ The Miners and Laborers' Amalgamated Association and the Knights of Labor were both destroyed in the anthracite coal fields by the failure of the strike of 1887-88. The Workingmen's Benevolent Association had met a like fate in the strike of 1875, as had also Bates' Union in 1869.

in January, President Mitchell was petitioned by the mine-workers of the Wyoming and Lackawanna Valleys to call a general strike of all anthracite miners. After conferring with the presidents of Districts 7 and 9, the petition was refused. At their next quarterly meeting in April steps were taken to secure a meeting of the miners from all three districts, and in July the union mine workers of District 1, at a convention held at Pittston, petitioned the National Executive Board to call a convention of all three districts. This petition was granted, and on August 13 a joint convention was held at Hazleton. This convention invited the operators to meet representatives of the miners in joint convention in Hazleton, on August 27, at the same time detailing the grievances under which the anthracite mine workers were laboring, and which they desired to have remedied. The operators were unrepresented when the subsequent convention was called to order. The miners then drafted a scale of wages for each district together with general conditions of employment, and asked of the National Executive Board permission to strike for its adoption and for the redress of other grievances, provided the officials of the organization should not be able to effect a settlement within ten days after the application was made. Efforts on the part of interested parties to settle the difficulties peaceably, through arbitration or other means, postponed the declaration of the strike from September 8, the date when the ten days expired, to September 12. In the meantime the operators as a class did nothing toward preventing the threatened conflict. They were loud in their claims after the strike began that no complaints of any kind had been made to them by their employees, and that all they knew of grievances existing among the men had been conveyed to them through the newspapers.

The scales of wages demanded by the Hazleton convention differed for the three districts, but similar conditions of

employment were to apply as far as possible to the whole region.¹ These conditions of employment were:

- (1) "An advance of 20 per cent on all day labor now receiving less than \$1.50 per day; 15 per cent over present prices on all classes of day labor now receiving \$1.50 and not over \$1.75 per day, and 10 per cent advance on all day labor receiving more than \$1.75 per day."
- (2) "Abolishment of the sliding scale system now in practice in the Lehigh and Schuylkill regions."
- (3) "No miner shall have at any time more than one breast, gangway or working place, and shall not get more than his equal share of cars or work."
- (4) "Abolishment of the erroneous system of having 3,360 pounds to the ton, and that 2,240 pounds shall constitute a ton."
- (5) "A checkweighman shall be hired by the miners, and allowed to represent them on the head of each breaker, and see that the weight is correct, and that the dockage is fair."
- (6) "Reduction in the price of powder to \$1.50 per keg."
- (7) "Abolishment of the company store system."
- (8) "Abolishment of the company doctor system for miners and compulsion to pay one."
- (9) "Compliance with the State law which says that all industrial concerns shall pay their employees semi-monthly and in cash."

These conditions of employment, taken separately or collectively, are in their final analysis demands for an increase in wages.

The wage problem in the anthracite coal fields is a most complicated one. The difficulties in the way of a satisfactory treatment of it are almost insurmountable. Here are at work not only the natural forces tending in most occupations continually to force wages to a lower level, but also artificial means to complicate and aggravate the situation and to keep the earnings of the miner at the lowest possible point.

In the first place the cost of production is not the same in

¹ In the Schuylkill district powder was already selling at \$1.50 a keg. The sliding scale had never been in use in the Wyoming and Lackawanna district. The company store and company doctor systems were not in force at all the collieries.

any two mines.¹ This is due principally to natural conditions, *i. e.*, the formation of the seams and the quality of the coal. In some mines the coal lies horizontally, as in parts of the Wyoming and Lackawanna district. Here the coal is taken out mostly by sinking shafts from the surface to strike the coal in the basin or centre of the valley, so that it may be run by gravity to the foot of the shaft from either side of the basin. In other places the coal lies in an inclined position and is reached by slopes sunk from the surface and run with the pitch of the seam. In still other places the deposit comes so near the surface that the upper crust of dirt and stone is removed and the coal is then mined in what is called a stripping. Then again there is the drift mine, in which a tunnel is driven horizontally through the seam into the mountain side where the coal outcrops. The cost of mining varies in these different kinds of mines. A difference in the cost of mining in different mines is also due to the quality and quantity of coal in the seam. In some places the deposit is of the very best anthracite, containing comparatively little slate or other refuse, while in other places it is so full of impurities as to barely pay the cost of mining. The seam also varies in different mines, being only two feet wide in some and as thick as 100 feet in others. In some mines the coal has to be mined from a greater depth and in more dangerous places. Besides these and other natural conditions, there are many artificial causes making a difference in the cost of production in the various mines. In some, more timber is needed than in others; in some, more coal has to be left for pillars; in others, more water has to be pumped out; there are also differences in cost in tracks, haulage, ventilation and supervision. In every district, however,

¹ "There are few published reports as to the present cost of mining and marketing anthracite coal, but figures are available for some of the companies. Mining costs the Delaware & Hudson Canal Company \$1.34 per ton; the Lehigh Coal & Navigation Company, \$1.31; the Lehigh Valley Coal Company, \$1.90; and the Philadelphia & Reading Coal and Iron Company, \$1.71. It costs the Delaware & Hudson 41 cents per ton additional to market the product, and the Philadelphia & Reading \$1.13.—*The Mineral Industry*, Page 167, Vol. VII.

there are several mines operated that barely pay their owners for being kept in working. These are the marginal mines. The day the strike went into effect and the men left the collieries, announcement was made by several of the operators that they would allow certain of their mines to fill with water and abandon the plants for good, the reason being that the cost of keeping the mines in repair, free from the accumulation of gas and the collection of water, would be more than the plant was worth. For a year or more these mines had barely been meeting expenses.

The conditions of mining, it will thus be seen, are different not only in the several districts, but even in different collieries in the same field. This makes a uniform rate of wages for the entire region or a general plan for determining the rate almost impossible. Such a plan would in some cases work to the injury of a particular operator, and in others to the detriment of the employees of certain companies.

These natural differences are partly but not wholly responsible for the different systems of paying the wages of the mine workers. The rate of wages is arrived at by one scale in the Lehigh district and by a different scale in the Schuylkill, while a third plan is employed in the Wyoming and Lackawanna district. The rates in consequence differ in all three fields, as well as between different collieries in the same field. Even in the same colliery the same rate is not paid to all the men. The inside employees get one price for their work, the outside employees another, and the breaker boys and old men are paid a third. Of the inside employees the miners get one rate, the laborers another, the drivers and runners a third, door boys and drivers' helpers a fourth, while other inside men get still another. So it is with the outside men. Engineers and firemen get one rate, carpenters and blacksmiths another, slate pickers a third and other outside men a fourth. Even among the miners themselves in nearly every colliery men may be found working some at so much per yard, and others at so much per ton and still

others at so much per car. Nor do all the men working by the yard receive the same rate, the kind of passage driven and the use or non-use of timber affecting the price. Even the time worked, which is a very important element in determining the wages of the miner, is not the same in all the collieries nor for all classes of workmen in the same colliery. In fact, at the time of the strike, a general inequality of wages existed throughout the districts even where the seams, mode of working and general conditions were similar. Different men doing similar work, even in the same colliery, were paid differently.

For years, indeed ever since 1869, the miner of the Lehigh and Schuylkill districts has had his rate of wages determined by the selling price of coal. The miner was and is still an employer of labor as well as an employee. The gross wages he receives depends upon the number of days he works, the presence of little or much slate or refuse in the coal he mines, the number of pounds he has to dig to make a ton and upon the temper of the docking boss. His net wages depend upon the rate he is compelled to pay his laborers¹ and the number of laborers he has to employ, the prices he has to pay for powder, squibs, oil, and for keeping his tools in repair and on numerous other conditions beyond his control. As a consequence of these complications the miner may put forth the same amount of energy to-day as yesterday without obtaining the same wage for both days. The same man working in different seams will make different wages; two different men working next to each other in the same seam will not make the same wage. No miner not under the day-wage system, and not always the latter, can tell how much his earnings will be at the end of the month or when pay day comes around.

Despite all this confusion, it can be said generally that

¹ In the Wyoming and Lackawanna district the miner is compelled to pay his helper or laborer one-third of his gross earnings. It must be remembered that the laborer is not employed by the operator but by the miner himself.

there are two systems of paying wages in the anthracite fields of Pennsylvania—the contract and the day-wage systems. The former includes the car or volume, and the yard or measure plans, which are in use in all three districts, and the ton or weighing plan, which is used only in the upper Wyoming and Lackawanna field. About 90 per cent of the miners in both the Wyoming and Lackawanna and the Schuylkill districts and 80 per cent of those in the Lehigh field work under the contract system. The others are paid day wages. The miners working under contract are the best paid workmen about the collieries.

The car or volume plan of paying the miner is generally in vogue in the Lehigh and Schuylkill districts and in certain collieries in the Wyoming and Lackawanna field. The price paid the miner for mining and loading a car ranges from 80 cents to \$1.22, the cars containing from 96 to 161 cubic feet each. In those mines where the car plan is in use the price paid the miner is fixed, depending on the character of the vein and the size of the car. This price must of necessity be different in different collieries. Under the yard or measure plan the rate of mining in the Lehigh district was fixed at $43\frac{3}{4}$ cents to $49\frac{1}{2}$ cents for 48 cubic feet, the extra eight feet (40 cubic feet of coal making on the average a ton) counted, so it was understood by the miner, as refuse. Where the ton or weighing plan was in use 65 to $71\frac{1}{2}$ cents was the price paid per ton of from 2,750 to 3,360 pounds the extra weight (2,240 pounds making a ton) being for refuse.

In the Lehigh field, where about 15,000 men and boys are employed, the rate of wages has been regulated since 1869, by what is known as the sliding scale. According to this scale, when the prices of anthracite coal averaged \$5.00 per ton at tidewater points, miners were to receive for mining and loading coal, 87 cents per car. Generally skilled miners working by the day received 21 cents an hour, or \$12.60 a week of 60 hours, and first-class laborers \$10.80 a week.

On this \$5.00 basis there was a ten per cent sliding scale. For every ten cents above \$5.00, for which the coal would sell at tidewater, the miner would receive one cent and the operator nine cents¹; in case the price of coal fell below \$5.00, the same rate was to apply in reducing the wages. In the mines of G. B. Markle & Company the rates were as follows: Oakdale first, 96 cents per car; Oakdale second, \$1.17 per car; Highland first, \$1.20 per car; Highland second and Highland fifth, \$1.24 per car. Inside wages were to be as follows: Miners 21 cents per hour; gangway labor, 18 9-10 cents per hour; platform labor, 17 2-10 cents per hour; company men and three mule drivers, 18 cents per hour; two mule drivers, 14 6-10 cents per hour; single mule drivers, 12 8-10 cents per hour. Gangways were to be paid for at \$4.75 per yard; airways, \$3.16 per yard; cross-cuts, \$1.88 per yard; opening breasts, narrow, \$24.80; opening breasts, wide, \$8.00. The above prices and wages constituted the basis. When the prices (of the New York Lehigh Coal Exchange Monthly Circular) averaged \$1.00 more or \$1.00 less than the above \$5.00 average, f. o. b. (at Perth Amboy, N. J.), there was to be a corresponding rise or fall of ten per cent on the above basis, except the gangway per yard, which was always to be the same as the average of the monthly prices, and airways per yard, cross-cuts per yard and opening breasts, narrow and wide, which rose and fell on the same percentage as the gangway rose and fell. There was to be no change in prices and wages of less than one per cent at any time.

The scale for the Schuylkill district affected about 55,000 men. It was adopted at the same time as the Lehigh scale, and differed from the latter in that it took as the basis for determining the rate of wages of the miner the selling price of coal at Port Carbon, with a 33⅓ per cent sliding scale.

¹The operator would not receive a net gain of nine cents per ton, as the other classes of labor in and about the mines would also get an advance of one cent. The illustration is to show the effect the sliding scale has on the contract miner.

When this scale was adopted Port Carbon, on the Schuylkill River two miles above Pottsville, was an important interior shipping point. When coal sold there for \$2.50 per ton, the miners were paid \$2.00 per day of ten hours for skilled labor, this being the basis price. The miners not working on contract (about ten per cent of the total number) were to receive \$12 per week; inside laborers, \$10.20; outside laborers, \$8.10. When the price of coal went above the basis the miner was to receive one-third the increase (if the price advanced three cents, he was to get one cent); when it fell below that price he was to stand a reduction in his wages of one-third the price. The method of deciding upon the price of coal at Port Carbon was to choose by lot five collieries from the total number in the lower field shipping 30,000 tons or more. The collieries selected made returns of the prices paid them for their product, prepared sizes, *i. e.* from lump to chestnut, at Port Carbon. Then the average of these prices determined the wages for the month.¹

In the Northern or Wyoming and Lackawanna district and at those collieries in the Lehigh field where the sliding scale has never been in force a large percentage of the mining has been done on the car or volume plan at a certain fixed price per car. Some of the companies in these fields also paid according to the ton or weighing plan, a number of them in the upper Wyoming and Lackawanna district using the ton system exclusively. In the Northern field wages are admitted to have been higher than the basis rate under the sliding scale, but as to net earnings there has been practically no appreciable difference between the miner in the Northern field and his fellow worker in the Middle and Southern districts.

¹From a table published by Dr. Virtue, in the Bulletin of the Department of Labor, for November, 1897, it is shown that in the 108 months from January, 1888, to December, 1896, the average price returned from the collieries drawn to determine the monthly rate of wages, was in 32 of them above the basis (\$2.50), and in 76 below the basis. The highest the price ever went above the basis was 46 cents (\$2.96), while the lowest below was 53 cents (\$1.97).

The objection of the miner to the sliding scale was that since they were no longer represented¹ at the drawing of the collieries upon which wages in the Schuylkill district depended the system could be used arbitrarily by the operators. It is enough to say that under the conditions they distrusted the returns made. The system, once the plan of the miners to secure what they thought their just share of the product of their labor, had become, from the miners' point of view, a means by which the operators could keep wages below the basis. Their feeling on the matter was tersely expressed by a transparency carried in one of the monster parades at Wilkesbarre which said: "Our wages are based upon an antiquated sliding scale that invariably slides downward."

Another objection was that certain changes had come about in the mining and marketing of coal since the scale was adopted which would make a lower basis necessary if they were to secure just wages. These changes, which were principally in the production of larger amounts of "small sizes" of coal which sell in the market at lower prices than the former sizes, they claimed, kept the average price per ton at both Port Carbon and tidewater points below the basis price. In consequence their wages under the system would nearly always be below the basis rate. If the system was to be continued, they argued, the basis rate should be lowered to conform with the lower level of prices. It is true, as Dr. Virtue says, in the article before referred to, that these "small sizes" are not "included in the average prices upon which wages are based in the Schuylkill region, but 'chestnut' is, and the proportion of this size which sells for twenty-five or thirty cents below stove coal has greatly increased compared with the higher-priced sizes." While this, in a way, is as much to the disadvantage of the operator as of the miner it must be remembered that now the

¹ The destruction of their organizations in the strike of 1887-88 left the miners without the power to demand their right of representation at the drawings.

operator sells what was heretofore waste dug along with the coal and dumped in the culm banks and for which he formerly had to pay the cost of handling with no return.

The power the railroads have secured in recent years to fix the price of coal through freight charges has also made the sliding scale objectionable to the miners. The Lehigh miners found that tidewater prices, upon which their wages were based, were nearly always lower than prices in the interior markets, in which were sold two-thirds of the product. The Schuylkill miners, whose wages were based upon the price of coal at Port Carbon, were not long in finding out that with the product at a certain price at tidewater the higher the freight rate the lower the price of coal at Port Carbon. It was a scale that could be worked two ways by the railroads, and always to the detriment of the miners.

Such being the conditions of wages in the anthracite fields, it is difficult to get at the average wage. The operators claimed during the strike that "the wages of miners average from \$2.00 to \$4.00 per day. In fact the rates paid for mining labor compare favorably and are as high, if not higher, than the rates paid for the same class of labor by railroads and other industries." The officials of the United Mine Workers of America, in their statement to the public, claimed that the average wages of the anthracite miner for many years had been less than \$250 annually.

For the purpose of ascertaining what miners earn who are industrious and able to work whenever employment is offered, Mr. A. S. Bolles, in 1888 and 1889, made an investigation¹ of the earnings of the most and of the least skillful miners during those years. He secured this information by asking the operator of each colliery for the monthly earnings of the ten most skillful and industrious contract miners employed in his colliery, and also the number of days they worked. The same facts were sought with respect to the

¹ Report of the Secretary of Internal Affairs for Pennsylvania, Part III, for 1888 and 1889.

least skillful. The result showed the aggregate earnings of the 450 anthracite coal miners in 45 collieries, who were classed as the most skillful, representing those who earned the largest amounts in such collieries, to be \$330,327.80, or \$734.06 per man. The average daily earnings were \$2.98 per man, and the average number of days each miner worked was 246. The highest average daily wage paid by any one of the 45 collieries to the 10 most skillful miners employed therein was \$4.08, an average yearly earning, working 203 days, of \$804.40. The lowest average daily wage paid the 10 most skillful miners was \$2.02, an average yearly earning, working 265 days, of \$538.24. The highest daily wage paid the 10 least skillful miners was \$2.75, an average yearly earning, working 217 days, of \$597.32. The lowest daily wage paid the 10 least skillful miners was \$1.31, an average yearly earning, working 231 days, of \$302.24. In the inquiry continued in 1889, the miners in each colliery being divided into ten equal groups according to their earning capacity, the average daily wage for the different classes was shown to range from \$3.55 for the first class to \$1.79 for the tenth class. Some of the miners earned over \$1,000 annually, in one case as much as \$1,400. For the great majority of the miners, however, from \$400 to \$600 a year was the amount earned. Figures from the investigation show the average daily earnings of all the contract miners at eighteen representative collieries for the year 1889 to have ranged from \$2.64 for the first class to \$1.28 for the tenth class.¹

The accompanying table of wages of mine employees in the Lehigh district was prepared for the writer by Benjamin James, member from Pennsylvania of the National Executive Board of the United Mine Workers of America, and

¹ These inquiries took no account of the earnings of those who were sick and did not or could not work regularly; nor of the earnings of those who died, or went away before the close of the year; nor of those who were employed to fill their places. These averages, therefore, are higher than the actual average wages for each class.

Wages of Mine Employees in the Lehigh District.

	Number employed.	Per cent of total number.	Wages paid per day of ten hours.	Average daily wage.	Number of days worked in 1899.	Average total earnings.
Miners	3,634	21.51	. . . .	. . . .	191.5	. . . .
Miners' laborers	1,890	11.28+	\$1 15 to \$1 75	\$1 35	191.5	\$258 52½
Drivers and runners	785	4.64—	1 17 to 1 67	1 40	191.5	268 10
Door boys and }	252	1.49+	{ 55 to 84	70	191.5	134 05
Drivers' helpers			{ 70 to 1 00	85		
Other inside day men	2,254	13.38+	1 06 to 2 06	1 60	191.5	306 40
Engineers and	765	4.54+	{ 1 35 to 1 80	1 49	191.5	285 34
Firemen			{ 1 35 to 1 60			
Carpenters and blacksmiths	387	2.30+	1 60 to 2 00	1 75	191.5	335 12½
Slate pickers	2,734	16.23	{ 40 to 75	50	191.5	{ 95 75
			{ 75 to 90	85		
Other outside day men	3,721	22.09	1 06 to 1 25	1 17	191.5	224 05

gives the miners' side of the question. It was made up from the wages paid by the operators in the Middle field, which may be taken to be about the same as those paid in the other districts.

Eighty per cent of the miners in this district work on contract and 20 per cent by the day. Engineers and firemen receive on the average \$40.50 per month. As a rule the miner cuts six loads of coal for \$6.00 (\$1.00 a car being a fair average). Out of this he pays for powder, oil and repair of tools and the wages of his help. Where the laborer's pay is fixed at so much per day, as is generally the case, the miner must pay him \$2.00 in the Northern and \$1.75 in the Middle and Southern districts. After all these expenses are deducted the miner's net earnings are about \$2.30.¹

The striking miners did not claim that a general reduction in their wages had been made in recent years, but they argued that there had been a decrease in their earnings due to their being compelled to load larger cars without more pay, to put more "topping" on the old cars, to increase the yardage and the number of pounds required for a ton under old rates and to submit to more and more dockage of that which they did mine. They were compelled to mine more coal under greater difficulties at the same price. They claimed also that exorbitant charges for mine supplies, such as powder, oil, cotton, fuses, etc., and in some cases increased charges at the company store, went to lessen their earnings. In this way and by an increase in the prices of necessities their real wages were reduced to such an extent, they stated, that they were no longer able to support themselves and

¹ Taking \$30.00 as a fair average of the monthly earnings of the anthracite miner, the cost of living for a family of five, as given to the writer by an intelligent miner whose reputation for truthfulness can be vouched for, is as follows: Rent, \$4.00; shoes, \$1.00; clothing, \$5.00; household goods, \$2.00; doctor and medicine, \$1.50; church or priest, 50 cents; coal, \$1.50; insurance, 50 cents; total, \$16.00. This leaves \$14.00 for food for five during the month—a little over three cents for each of five persons for three meals a day. The laborers average about \$20.00 a month.

their families, that they were compelled to take their children from school at a tender age, and were even forced to swear falsely to the age of their boys so that these might earn money in the breaker. They submitted the fact that the miners in other regions had their wages increased, those in the bituminous field as much as 40 per cent along with a reduction of the daily hours of labor to eight hours. After expressing the belief that the increase in the market price of coal should be shared with them in better wages, the miners demanded a fair share of the increased profits which they said had been and were being secured for the product of their labor.

To these statements some of the operators replied in the newspapers. They denied that the prices of necessities had risen or that the earnings of the mine workers had been reduced. "The facts are," they said, "that the scale of wages has not been reduced in over twenty years notwithstanding the numerous periods of business depression and repeated reductions in the soft coal mining regions, which enabled the soft coal operators to mine at such low cost as to take away a large percentage of business formerly supplied by anthracite coal. Not only has there been no reduction in wages or earnings of the men in the anthracite region but advances have been made in a great many mines to meet changing conditions, and it is a fact that this year anthracite labor has been more fully paid, getting more days' work and consequently larger earnings than has been possible in many years.

"The statement of the mine workers that the market prices of coal are higher than in years is not true. The average prices are not higher now than in recent years and are much below the prices received in 1892. The profits of the business have decreased largely,¹ due to the increased

¹A comparison of figures given by the tenth and eleventh census seems to substantiate this claim, in that it is shown that the cost of mining per ton has increased 31 cents (\$1.03 in 1880 to \$1.34 in 1890), while the value per ton at the mine has increased only 11 cents (from \$1.47 in 1880 to \$1.58 in 1890).

cost of mining coal from the lower depths and long distances under ground, and have also been materially decreased, due to the rise in price of materials used around the collieries. This has affected all the companies very severely. As to their demand that we increase the price of coal to the public in order to increase their wages, we cannot do this under existing conditions and retain the market for anthracite coal against bituminous coal. A strike and a suspension of mining would have a very injurious effect on the anthracite trade, losing trade to bituminous coal that could never be recovered."

The other demands of the miners may be divided into two classes, those to prevent indirect reductions in wages and those to prevent a lessening of earnings after wages are paid. They demand that no miner shall have at any time more than one breast, gangway or working place or get more than his proportional share of cars or work; the abolishment of the system of having 3,360 pounds to the ton; the employment of a checkweighman, to be paid by the miners, who shall be allowed to represent them on the head of each breaker to see that the weight is correct and the dockage fair, and a reduction in the price of powder. All these are to prevent indirect reductions in wages after the nominal rate has been determined. Their demands that the operators comply with the state law in regard to semi-monthly cash-pay and that the company store and compulsory payment of the company doctor be abolished are aimed at the devices which now prevent the miner from enjoying his full earnings even after his wages are paid.

Under the conditions of employment drawn up by the Hazleton convention the miners demand the ton or weighing system for all three districts, and they want the ton to be of 2,240 pounds, as provided for by the laws of the state. In their scale of wages they want the pay for mining fixed at from $71\frac{1}{2}$ to $86\frac{1}{2}$ cents per long ton. Under the weighing system in use before the strike the price paid was from 65 to

71½ cents per ton of from 2,750 to 3,360 pounds. The operators insisted that where the miner was paid by weight the price must be fixed on the basis of paying so much for a quantity sufficient to produce a ton of prepared coal. This, he claimed, took as much as 3,200 pounds, and in some cases even more. There would have been some justice in this claim but for the fact that the impurities loaded in a ton by the miner were allowed for by the dockage system in vogue at all the mines by which the miner was docked oftentimes ten, fifteen or twenty hundred pounds in one day for refuse. This was in addition to being compelled to load the heavy ton. The refuse the miner must necessarily load in a ton of coal was thus counted against him twice. The same was true where the rate of mining was fixed at 43¾ cents to 49½ cents for 48 cubic feet. Forty cubic feet usually make a ton and the extra eight feet were to be counted as refuse, making docking unnecessary. Nevertheless the miner was subjected to the dockage system here also, and from 3 to 25 per cent of his coal was taken from him in this way along with the extra eight feet. There were also cases where the miners, instead of furnishing a well-rounded heap on the car at the breaker, as was originally agreed, were compelled little by little to increase the amount of coal in each car by building the same perpendicularly from six to eighteen inches above the edge.

The system of dockage, it will readily be seen, has much to do with determining the wages of the miners. Usually the docking boss is an English-speaking miner. He has absolute authority to determine how much refuse and how much clean coal is in a car. In most cases he is stationed at the top of the breaker, and when the car-load is brought to the top to be dumped he marks the amount with which the miner is to be credited. That such a person holding such a position will be without prejudice or feeling toward the miners is expecting too much of human nature. Usually the boss is disliked by the miners. He is regarded in nearly

every case as a too zealous employee of the company, and is set down by a majority of the people who know his personality, as a hard-hearted, driving master. The miner may work hard all day to find, when he comes out of the mine on the changing of shifts, that he has been docked half and sometimes two-thirds of the coal mined. In one case the writer knows of seventeen cars which were condemned in rapid succession as they came out of the mine. In another case a miner was docked half a car when he had loaded no cars at all. In a third case, out of 116 cars mined by a miner as a month's work, forty were docked for refuse. Of course these may be, and no doubt are, extreme cases, but none the less they furnish ground for the miners' demand that they shall have a representative, paid by themselves, to see that they get credit for the coal they mine.

Another indirect method of reducing wages was by the sale of powder to the miners. Of all the grievances complained of probably none drew to the strikers the sympathy of the public as much as did this overcharge for powder. In discussing this much vexed question one must bear in mind that powder is simply one of the tools of the miner. It is a tool somewhat different from the others he uses, however, in that its first use destroys it entirely. This use must therefore repay its cost if loss is to be avoided.

It has been estimated that on the average a miner can get out thirteen cars of coal with one keg of powder. In all but the Schuylkill district this powder cost \$2.75 a keg. In mining one car of coal this one tool cost the miner a little over twenty-one cents, about one-fifth the gross price he received for his product. For the year ending December 31, 1899, a total of 1,372,691 kegs of powder were used in the anthracite region by the miners. This powder cost the companies only from 90 cents to \$1.00 a keg. The custom of selling powder to miners at an unvarying price was adopted during the Civil War. At that time the price of powder rose and fell almost daily and the operators and miners

finally agreed that for their purpose the price should be fixed at \$3.00 a keg. If the cost went above that price the operator was to bear the loss; if it fell below the miner was to be the loser. For a time the companies actually sold powder to the miners at a loss. When the price of powder was fixed at \$3.00, it was used as the basis for arriving at the wage rate paid for mining. Since the war, though the cost of powder to the companies has decreased so materially, the miners in the northern and middle fields have been able to reduce its cost to them by only 25 cents a keg. This reduction was made without changing the wage rate, and was therefore equivalent to an increase in wages. In the Schuylkill district the employees of the Reading Company had the price of powder reduced to \$1.50 per keg, but along with this reduction a change was made in the basis rate for mining. Notwithstanding the difference in the price paid for powder, therefore, the miners in the upper and middle districts received no less wages than the miners in the Southern field. The high price had, nevertheless, been a source of continual annoyance to the men, who were compelled to pay it and who did not understand why they should pay \$2.75 for what the companies bought for \$1.00.¹

The conditions which brought about indirect reductions in the wages of the miner were sufficiently deplorable, but even more discouraging were the devices by which his earnings were lessened after his wages had been determined. The hard-coal miner of Pennsylvania, living usually in a small mining town, is under a system of complete if not absolute paternalism. He lives in a house built and owned by the company, he buys his food and clothing at the com-

¹ The operators did not attempt to deny that the price of powder to the miners was much above its cost to them, but they claimed that the rate of wages of the miners was not less than it was agreed it should be when the price of powder was fixed. Any reduction in the price of powder, they argued, without an equivalent change in the basis determining the rate of wages, was nothing less than an increase in the wages of the miners. The operator said the decrease to them in the cost of powder was no more than compensation for the increase in the cost of mining which they had to meet.

pany store, when sick he is attended by the company doctor, and if he is a Catholic his church dues are paid by the company. In fact, all those duties, the performance of which cultivates independence, ambition and the other qualities essential to individual and social development, are taken from the shoulders of the miner and performed by the company. It is not difficult to find mine workers in the hard-coal region who never see or handle one penny of their wages the year through. All their debts are contracted with and paid by the company employing them. An illustration of this dependence is furnished by the form of agreement which existed before the strike between one of the companies and its employees. It read as follows :

—, Pa., , 188 .

I, the undersigned, , an employee of — Company, miners and shippers of coal at —, Pa., do hereby acknowledge that I have this day had and received from the said — Company, the sum of \$. . . , in full payment of all sums of money due me from said firm as wages, or otherwise, for the month of . . . , 188 , and in settlement of all sums due me prior to and including said months, hereby ratifying and assenting to all deductions of any and every kind that the said — Company have at any time heretofore made from the amounts due me as wages, salary or on any other account while in their employ. I acknowledge that the following is a correct statement and settlement of the balance due me; to wit:

Wages for the month of , 188 , \$. . .

DEDUCTIONS.

Merchandise account . \$. . .	Powder account . . . \$. . .
Butcher's account	Blacksmithing
Rent account	Mine supplies
Church dues, etc. . . . .	. . . . .
Physician's bill . . . . .	. . . . .
Board bill . . . . .	. . . . .
Teaming account . . . . .	. . . . .
Coal account . . . . .	. . . . .
Balance due me	\$. . .

In consideration of the premises, I do hereby consent that the said several sums shall be deducted from the amount due me as above

stated, and paid to the several parties entitled thereto; and to this end I do hereby release, assign, transfer and set over unto —— Company, and the several parties entitled thereto, such an amount of the wages due me as may be required to pay said bills and accounts as shown by the foregoing statement.

AND WHEREAS, It may occur that I am now and shall hereafter become indebted to the same or other parties on similar accounts, while I remain in the employ of the said —— Company, I do hereby authorize and direct the said —— Company to pay such accounts and bills for me and deduct the amounts so paid from all wages, salary and sums of money now due or hereafter to become due to me, and to that end I do hereby release, assign, transfer and set over unto the said —— Company, and to the several persons to whom such amounts may become due, so much of the wages or salary now due or that may at any time hereafter become due from the said —— Company as will suffice to pay said accounts.

Witness my hand and seal the day and year first above written.

In the presence of [I.S.]

. [I.S.]

It is easy from long distance, theoretical standpoints to denounce the company store and company doctor systems, but the fairest way is to look at them in the light of the conditions from which they have sprung. When a mine was first opened the land for miles around, with the possible exception of the public roads which had been opened for general use, belonged to the company. On this land, after the mine had been located, the company laid out a village, with a view to good drainage and good water supply, opened the street or streets, erected houses for mine employees, placed the school and perhaps a public hall, assigned land for the church or churches, and performed similar functions usually allotted to the inhabitants of towns and villages in the exercise of their civic responsibilities. The company or general store would be located near the main office of the company. In nearly every case it was the only store to which the miner could go to purchase necessities for himself and his family.

The community which grew up was isolated from other towns and formed a small world unto itself. Early in the life of this village occasion arose for the services of a physician. The town being small there was not a sufficient demand to induce a doctor to locate among the people. The company had to meet the emergency, and it did so by making the entire community support the physician by taxing single men fifty cents and married men \$1.00 a month. This was necessary for the good of the community, though it may have worked to the inconvenience of a few.

In the course of time we find population increasing in the coal region. Towns spring up nearer the old ones, lines of communication are opened and means of transportation are brought in, and the mining village, heretofore isolated, begins to be brought into contact with other and larger towns. Business concerns in the cities are ready and willing to send wagons of goods each day to this village. It may be that lower prices are placed on the goods to secure the trade of the inhabitants. Soon the miners begin to pay attention to the prices charged them by the company store, and if there is a difference in favor of the city concern, as is often the case, they naturally want to deal where they can get the goods the cheapest. In the meantime the company store has become a source of profit to the company which it does not care to lose. The big store in the large city is able, with its thousands of purchasers, to undersell the small company store which in most cases depends upon a population of a few hundred. Compulsion and exorbitant rates begin to be the complaint of the miners.

So it is in the case of the company doctor. There are many physicians in this large city who are willing to visit the miner and his family in the small mining town whenever their services are needed. The miner would have to pay this physician only when there was sickness in his family. Believing that he would be saving money, he wants to bring about such an arrangement. He raises a cry against the

company taking money from his wages for this purpose and dictating what physician he must employ.

While conditions have thus been changing the relation of the miners to the company in the small villages, the system of regulating those relations has remained the same. Neither the operators nor the miners have realized sufficiently that with changing relations there must be new methods of dealing with the problems of communal life if the best interests of both are to be preserved. The company store and the company doctor were for the good of all under old conditions; they are to the injury of both when compulsion becomes necessary to their continuance, as it now undoubtedly is in nearly every mining town. The companies in all the large cities where miners live have, without an exception of note, abolished these systems. The company store and the company doctor no doubt in many cases prove a source of profit to the company. The operators certainly would not long continue them at a loss. Nearly every one of these stores in the anthracite region at the present time is conducted by individual operators. None of the large companies, such as the Delaware and Hudson, Coxe Brothers & Company, the Lehigh & Wilkesbarre, the Philadelphia & Reading Coal & Iron Company, the Lehigh Valley, and the Delaware, Lackawanna & Western, now conduct company stores nor collect for any stores whatever. They pay their employees in cash between the first and the twentieth of the month for the preceding month. Nor do all the operators have a company doctor. Where these systems are still in use the miners have moved for their abolition. And along with this change they ask for semi-monthly pay as another aid to rendering them independent.

All the demands of the United Mine Workers of America were not granted by the operators. The striking miners went back to work after notices had been posted at all the important collieries promising the employees an increase of 10

per cent in their wages. In the Wyoming and Lackawanna and the Lehigh districts this 10 per cent increase was to include a reduction in the price of powder from \$2.75 to \$1.50 a keg. In the Lehigh and Schuylkill districts the sliding scale was abolished. The operators, in their posted notices, stated that they would take up with their men any further grievances they might have.

Throughout the struggle the miners retained to an unusual degree the sympathy of the public. This was no doubt due to the confidence the public reposed in the leaders of the strike and the control these leaders exerted over the strikers. There were only two cases of bloodshed during the whole forty-two days of tension, one at Shenandoah, where a spectator, a foreigner, was shot and killed, and the other at Oneida, where a special guard of Coxe Brothers & Company was shot and killed. Both the shootings took place in Schuylkill county. Nevertheless there was much more rioting than the public was led to believe. Hardly a day passed that disturbances did not occur over large areas. It so happened, however, that these did not result in bloodshed, and they did not therefore receive from the newspaper correspondents the attention that was given to the Shenandoah and Oneida shootings.

The operators tried in more ways than one to break the strength of the United Mine Workers during the progress of the strike. When the conflict was inaugurated by the Union the agreement between G. B. Markle & Company and its employees, the company being one of the "independent" operators controlling four collieries in the Lehigh district, was brought up to show the public that the strikers were not sincere in their demands. In this agreement the employees had promised to submit any difficulties they might have with their employers to arbitration, "by our choosing a competent man and their choosing one, and if these two men cannot agree, these two must choose the third, and their decision, or the decision of a majority of them, to be binding."

The men had also promised under the agreement that under no consideration would they enter into a strike, and that they would not be governed by any labor association in settling any difficulties while in the employment of G. B. Markle & Company. Violation of this agreement seemed to lay the miners open to the charge of a breach of faith. It was largely owing to the lucid explanation of President Mitchell that the public was brought to see that the grievances complained of could not be settled by concessions made by a single operator, and that the only course for the men was to stand together as a unit till the railroad coal operating companies should unite in a settlement.

Another way in which the operators attempted to break the strength of the strikers was through the Philadelphia & Reading Coal and Iron Company. This company employs about 27,000 men and is by far the most influential company operating in the Schuylkill field. A great majority of its men went out on strike out of sympathy for the miners in the other districts, having themselves no particular grievances. To induce these men to return to work this company posted notices offering them an advance of 10 per cent in their wages. Fear was expressed, even by some of the Union leaders, that many of these employees, of whom a large proportion were of foreign birth, would accept the offer and thus lessen the United Mine Workers' chances of success. But the strike leaders were able to keep these men from returning to work.

The success of the United Mine Workers of America in this strike will result to the advantage of both operators and miners. If there is any one thing certain as to the future of the anthracite coal industry it is that the cost of mining must be reduced more and more. Heretofore the easiest way to reduce this cost has been to reduce the wages of the mine employees, either directly or indirectly. Now that the miners are strongly organized they can successfully resist efforts at reduction along this line. The operators will

be compelled therefore to turn their energies to reducing the cost of mining, where it should be reduced, by improving the management and superintendence of their properties, partly through a closer consolidation of their interests, but even more through invention, the introduction of improved machinery, the employment of skilled labor and the better direction of labor. The strike has thus, it is believed, put a stop to a development in the anthracite region which was of permanent benefit to none and started development along lines full of promise for the future.

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Philadelphia.

THE ELECTION OF 1900.

In 1896, Mr. McKinley was elected President of the United States, receiving 61 per cent of the electoral and 51 per cent of the popular votes. In 1900 he received 65 per cent of the electoral and 52 per cent of the popular votes. He thus joins the group of seven Presidents who have been honored with two consecutive terms, Washington, Jefferson, Madison, Monroe, Jackson, Lincoln and Grant. He enjoys the further distinction of being the only majority President since Grant, all of the others, as well as the two Adamases, Polk, Taylor, Buchanan and Lincoln (in 1860), having received a minority of the popular votes cast. With only one other President, Jackson, McKinley shares the honor of having been returned in the face of a serious challenge of his economic policy. Washington, Jefferson, Madison and Monroe antedated the national convention and the party discipline which has grown up with it; they belonged to a period when the man, not the party, filled the nation's highest office. Moreover, the three Democrats profited by a public sentiment favorable to a second term. Neither Grant nor Lincoln was re-elected on economic issues nor by a free vote of the entire nation. Thus only two Presidents in 112 years have been able to find justification in the popular vote for the belief that the sovereign people, after deliberate thought, had emphatically and unqualifiedly endorsed their administrations.

The result of the election seems to have impressed the public both at home and abroad, not so much because of its meaning, as because of its magnitude. The Democratic party received only thirteen electoral votes outside of the Solid South—and these from states whose fidelity to silver was purely mercenary. Even the sub-arid West, the progenitor of Populism, repudiated its offspring, and gave its entire

electoral vote to McKinley. The plurality in the popular votes was enormous and unprecedented in history. The press, domestic and foreign, has dwelt at length upon the ominous number, 886,000, and calls the defeat a Waterloo, or a landslide. When editorial writers turn from magnitude to meaning, they find their vision and their judgment unable to examine the result in other than superlative terms. They see "65 per cent of the electoral vote," or "a popular plurality of 886,000," and render the verdict, "this magnificent victory sounds the death knell of Bryanism, Demagogism, Populism and Repudiation."¹

We have lived through this "campaign of education" and have attempted to follow carefully every move. Yet so bewildering is the panorama presented, that it already seems to us like a tale from the "Arabian Nights," or an evening spent with the magician Kellar. With our eyes constantly riveted on the object and the performer, we failed to detect the time when the bird cage was substituted for the bonnet, or the hand which drew many-colored ribbons, eggs and candies from the empty bottle. We agreed before election day that there was a paramount issue. With our eyes and hearts fixed on Prosperity and with our ballots marked Prosperity, we voted for the Prosperity candidate. When our ballot is withdrawn we discover that on it is written, not alone Prosperity, but "the unqualified endorsement of Republicanism as expressed in the policies and achievements of the administration." Underneath Prosperity we are said to have written Ship Subsidy Bill, Permanent Increase in the Army, the Porto Rican Tariff, the Philippine Policy,

¹ It has not been thought desirable to give references for the numerous quotations which follow. They have been taken from some 600 editorials which appeared immediately after election, and represent every section of the country. This study was outlined and prepared with the assistance of the Senior Arts Class in Practical Politics in the University of Pennsylvania. From October 1 to November 8 two partisan dailies were studied by each member. The results are to be found in the University Library in the form of a card classification of clippings, together with a classified album of some 1,500 cartoons, collected by the classes in Practical Politics.

the Dingley Tariff, the Gold Standard, and Government by Injunction.

In the following study of the election seven different aspects of the struggle and its result are considered:

1. The electoral and popular votes returned are presented and analyzed.¹

2. The interpretation given to the Republican victory by the Republican press is reviewed.

3. Certain misconceptions in regard to the origin and present force of Bryanism and Populism are brought to light.

4. Post-election explanations are contrasted with pre-election claims.

5. Proof is submitted that prosperity, and not expansion, was the issue on which the election turned.

6. The party organizations which carried on the campaign are contrasted, and,

7. Conclusions in regard to the workings of popular government are deduced.

McKinley's election is called a Republican landslide, just as Cleveland's election in 1892 was called a Democratic landslide. Since Cleveland received a minority of the total popular votes, the term landslide must be based upon a considerable margin in the electoral college. By a natural process of the mind, the electoral vote, being determined by the majority of popular votes in doubtful states, comes to be taken as the expression of the popular will. The electoral margin is given as the popular margin. Nine hundred and ninety out of every thousand people probably believe to-day that McKinley received the endorsement of an overwhelming majority of the voters of the country. As a matter of fact only 52 per cent of the voters declared for him, while only 54 per cent of the voters in the two dominant parties gave him their support. That this 2 per cent majority or 4 per cent plurality is deemed a "popular landslide" throws much light on the psychology of an election.

¹ Based upon statement of *Philadelphia Press*, November 30.

Again, by a similar confusion of thought, the "landslide" notion is applied to all sections of the country. It is forgotten that in the four Middle Atlantic States the McKinley vote decreased 8,000, while the Bryan vote increased 151,000. It is forgotten, moreover, that in those doubtful states where campaign funds are always most liberally expended, Connecticut, Delaware, Illinois, Indiana, Maryland, New Jersey, New York and West Virginia, the winning party's net loss since 1896 was 207,000. These states, whose economic wishes may dominate national legislation, cast 131 electoral votes. The states which show an increase for McKinley cast altogether 174 votes, while the states won over this year, Kansas, Nebraska, Wyoming, South Dakota, Utah, and Washington, cast only 31. Significant is it that of the total gain of 246,000 votes, over 119,000 were found in the above states which cast only 31 electoral votes, while 115,000 more were found in the four silver states which voted for Bryan. The two Pacific states, Oregon and California, with their 13 electoral votes added 29,000. Thus 263,000 votes were given by states whose aggregate electoral vote is only 44, against a loss of 207,000 in the eight ever-doubtful states, whose electoral vote is 131. These facts may well make the thoughtful student pause before subscribing to the view that there was in any real sense a "Republican landslide."

As to the meaning of the result there is an astonishing unanimity of opinion on the part of the Republican press, from the *Augusta Journal* to the *Tacoma News*. It is here that the magic of party politics manifests itself most clearly, as before the eyes of the bewildered public the party magician of the quill reads the story of the ballots. For the most part the editorials discuss the negations represented by the large popular majority.

Some of these opinions were as follows: Bryan is "dead and buried beyond hope of resurrection." He was a "Janus-faced trickster," a "quack nostrum doctor," a "magician," a "fake prophet," a "Dr. Jekyll and Mr. Hyde,"

a "lightning-rod man," a "safe-breaker," a "court jester," an "anarchist," an "artful dodger," a "Divvicrat" and a "brazen footman to the rapacious Tammany Tiger." He was a "blatant demagogue," a "constitutional pessimist," a "traitor," an "apostle of sedition and class hatred," an "unscrupulous expounder of emotional popocratic politics," "*un homme capable de tout*."¹ The nation has "buried him under an avalanche of votes."

Bryanism, too, is "stamped out," "its end has come," "it stands condemned before the world with none so low as to do it reverence." "All that the Democratic party, under the leadership of Mr. Bryan, has contended for, has been repudiated." The election marks the "deliverance from the combination of all the political lunacies of the past." Not only is "free silver confined to the limbo reserved for the children of a diseased imagination," but we have left behind "the whole congeries of fads and follies and hatreds that greedy and unscrupulous men have gathered together in a modern Cave of Adullam for menace to ordered popular government." Bryanism was assisted by agencies "conceived in folly and born of desperation," and by "alliances with all the political ragtag and bobtail that could be enticed into camp by a surrender of Democratic principles." It rested on "the mire of Populism and Socialism" and "sat in the darkness of pessimism."² It drew votes from a "conglomeration of wild theorists, of discontented ignorance, of dishonest debtors, of selfish silver owners, of pelf-seeking politicians, of objectors to law, order and the sanctity of the supreme judiciary, following the Jack o'Lantern light of a man void of understanding."³

It matters little to the future of America whether or not the above characterizations of Mr. Bryan express the judgment of the majority of the present generation. It would be of no great consequence if future historians should hold to

¹ *Le Siecle*, November 8.

² *Scimitar*, Memphis, Tenn., November 7.

³ *Town Topics*, New York, November 15.

contrary opinions and go so far as to characterize him, in the language of his followers, as a "patriot," a "second Lincoln," "an able, earnest, conscientious champion of the people," and even as "the greatest American commoner of his generation." He is but one man living in remote Nebraska. A mistake in diagnosing his case will endanger no class, no industry and no principle. The proper and scientific diagnosis of *Bryanism* is, however, of the utmost importance. That disease is not limited to one state nor section. Its ravages were so extensive as to affect 6,415,387 voters, two millions of whom are still at large in the eight doubtful states above mentioned. Even in the five states which gave Mr. McKinley landslides, Iowa, Michigan, Minnesota, Ohio and Wisconsin, *Bryanism* polled 1,300,000 votes, while in Ohio itself 475,000 confessed contagion. Did the final result rob this contagion of its baneful power? The post-election physicians answer with an emphatic affirmative.

Their diagnosis does not, however, convince nor reassure the student of American politics. It seems to be based upon an exaggerated estimate of electoral margins. There are several evidences that it was pronounced without an understanding of the true nature of *Bryanism*, its historic antecedents and causes, or its present potential force. There is the same proof that *Bryanism* is buried forever, as of the extinction of Populism. If Populism is a disease of the imagination, it was never so virulent as to-day, when there is less reason for its separate existence. The dreams of to-day become the realities of to-morrow. Populism has inoculated both the Democratic and Republican parties. The latter advocates government ownership and control of an Isthmian Canal; national reservoirs to reclaim 70,000,000 arid acres for free homes; the restriction of immigration; raising the age limit for child-labor, and an effective system of labor insurance.¹ Republicans in state and local politics are con-

¹ Platform, 1900.

stantly encroaching upon the domain of private enterprise, until recently held sacred. The most advanced primary legislation on our statute books was passed by a Republican legislature and a Democratic governor.¹ Likewise the Democratic party has shown populist tendencies. But because the party of opposition, of discontent and of the masses, it has naturally accepted more of the populist creed than the party in power, the party of capital and conservatism. Populism is very much alive in all parties of the day.

Bryanism and Populism are not dead excrescences, but living parts of a great organism, the results of living causes and they are bound to continue active until these causes are removed. They are based upon a condition of fact, not an unrelated state of mind. They result from the inequalities of distribution which no one denies. They are akin to all those historic movements and creeds of the world's democracies, which have had as their object the equalizing of opportunity and privilege, or the minimizing of monopoly advantage. They revert in direct lineage to the Cleveland-Jackson-Jeffersonian Democracy, which the papers and journals of our time are wont to eulogize. It is not creditable to American journalism that historical inaccuracies with reference to the conservatism and dignity of the Jefferson-Jackson or even the Cleveland Democracy have gone practically unchallenged.

To ascribe to Bryan the invention of "class politics" is to forget the traditions in which the Democracy glories. Jefferson, author of the Kentucky Resolutions of 1798, had no more reverence for the national judiciary, the Treasury squadron, nor the "stiff-necked aristocrats" from Boston, than has Bryan, opponent of Government by Injunction, for the judiciary of his day, the present treasury administration or for the "plutocrats of Wall Street."

Monroe² urged upon Congress to prevent the monopoly

¹ Minnesota, 1900. See ANNALS, November, 1900, p. 145.

² Messages, II, 17.

of public lands by the capitalist class. Jackson was considered by the conservatives of his time a most violent demagogue, and, with Jefferson, gloried in the charge that he was attempting to array the masses against the classes. Cleveland, Mugwump as he was, the arch Democrat of the old school according to the current press, proclaimed himself the lineal descendant from those great fathers who battled for the masses against special privilege. He went further and declared that under the rule of the protected classes, there "is not equality before the law."¹

When Democracy becomes conservative it will have outlived its usefulness and have repudiated its name. That it cannot endure as a conservative party, our history gives ample proof. It is this failure to accept the dictum of experience, which makes possible the extravagant verdict that radicalism in politics is forever abolished. It is not Democracy that has changed but Conservatism. The dreams of Jefferson's time have become the conventions of McKinley's generation.

If the causes which generated Bryanism and Populism and Prohibition and Socialism and Anti-Imperialism were not removed by the landslide of last November, then 48 per cent of the voters are still fundamentally and openly opposed to what has gone by the name of McKinleyism. Wise statesmanship will consider this numerically large opposition in determining legislative and administrative policies. The manifest duty of the party in power is, first, to hold what support it now has, and, secondly, to minimize the opposition. Neither can be done by branding opponents as Demagogues, Populists, Bryanites or Antis. For when opponents become numerous enough, opposition becomes respectable.

The interpretation put upon the positive wishes of the 52 per cent majority does not seem to be less extravagant than the view taken of the future of the 48 per cent

¹ Messages, VIII, 775.

minority. Mr. McKinley himself warned his party that the desire to avert evil may be quite as powerful a motive as that to obtain good. The party press, as well as the foreign conservative press, have found in the "avalanche of votes under which Bryanism was buried" both desires working with superlative force. The victory is characterized as a splendid triumph "for the McKinley administration and everything it stood for." Which being interpreted means "a triumph for gold;" "a victory for an unpartisan judiciary;" "universal support of the doctrine of protection." "We do not wish to be a hermit nation;" we have "upheld the foreign policy in a way that cannot be misunderstood;" we have declared "in favor of the expansion of the American nation to include territory other than that on the North American continent;" we "recognize the manifest destiny of this nation to be one of the greatest of modern world powers, and assert that that which is called Imperialism is but the indication of a healthy growth, properly termed expansion." These general explanatory phrases have since been translated into headings for legislative bills and upon them is based the conclusion: The American people demanded on November 6, by the largest vote ever given any executive, a ship subsidy bill; a permanent increase of the army; a continuance of the gold standard; the Dingley tariff, and the Republican trust policy; the continued interference of the judiciary in strike difficulties, and protective barriers between the United States and her colonial dependencies. "The people have decided, after deliberation, that it is not desirable that the Constitution follow the flag." These claims are certainly not based upon an analysis of the factors which co-operated in Mr. McKinley's re-election.

Prosperity (= a), protection (= b), the gold standard (= c), the party's trust policy (= d), and the colonial policy (=e), combined to attract 52 per cent of the votes. The first factor may, for reasons beyond the control of the

Republican party, hide its alluring face before the next election. Then it will be important to have a majority who love the party's principles, and trust its methods in adversity as in prosperity. The problem may be presented in a mathematical form: $a + b + c + d + e = 52$ per cent of the votes, *i. e.*, $a + b + c + d + e > a' + b' + c' + d' + e'$. It does not follow that $b > b'$, $c > c'$, $d > d'$ or $e > e'$. Nor does it follow even that $b + c + d + e > b' + c' + d' + e'$. It may be that $b + c + d + e < b' + c' + d' + e'$. In this case the elimination of a as a factor would leave the Republican party with a minority. Neither the party press nor the outline of proposed Congressional legislation gives evidence that the algebraic problem has been studied and solved by those most vitally interested. Instead, the party mathematicians argue, $a + b + c + d + e > a' + b' + c' + d' + e'$. $\therefore a > a'$, $b > b'$, $c > c'$, $d > d'$ and $e > e'$. *Q. E. D.*

The President has not only asserted that a logical and scientific analysis of the returns is indispensable to the proper execution of the popular will, but he has himself publicly presented such an analysis.¹ In the following order he has named the factors which co-operated to give him a 2 per cent majority of the popular vote: (1) "Our splendid party." (2) "The Gold Democrats." (3) "The Silver Republicans." (4) "The almost unbroken column of mechanics and agricultural laborers." (5) "The home influence." (6) "The business interests." If the co-operation of all these factors was necessary to its success, then the party in power may not, without jeopardizing its future prospects, do anything which any one of these factors disapproves, unless by so doing compensating accessions are obtained from the opposition.

The votes of the party organization were cast for whatever happened to go by the name of Republicanism. Under adverse circumstances in 1892, 43 per cent of the voters

¹ November 24, 1900, before the Union League, Philadelphia.

were steadfast in support of Republicanism; in 1888 and 1884 the party polled 47.7 and 48.5, of the votes. The party in 1900, therefore, probably received from 3.5 to 9 per cent of the total vote cast from the five independent factors enumerated by the President. On what issues did the regular traditional party organization receive the votes of these outsiders? To an onlooker this does not seem to be a very difficult question to answer. The negations of certain of the factors are so well known that we can readily determine several issues on which these factors did *not unite* with the Republican party. For instance, "the Gold Democrats" did not approve the Dingley Tariff, the ship subsidy bill, the Porto Rican tariff, nor the theory that the constitution is not coextensive with executive authority. "The Silver Republicans" distrusted monometallism. The mechanics and laborers did not form "an unbroken column" in support of Government by Injunction, the administration trust policy, nor the colonization of the Philippines. "The Home," to a great extent, disapproved the army canteen, the trust policy and the Porto Rican tariff. "Business Interests" did not universally endorse the Republican trust policy. To not one single positive proposition of the dominant party did these five contributaries give unqualified endorsement. To nearly every such proposition some one of these factors stands irrevocably and traditionally opposed. Yet they all united in support of McKinley. By a process of elimination, as well as by reference to pre-election pledges, it appears evident that these factors voted for a set of conditions, not a set of theories. They voted for *Prosperity* and against change.

At the opening of the campaign Prosperity was a universally recognized condition, not an issue. The people had taken the Republican party at its word and believed that the promise had been fulfilled to make gold the standard of value.¹ They knew, furthermore, that the silver

¹ Platform, 1900.

plank at Kansas City was a concession to consistency, a ruse to forestall carping criticism of the inevitable candidate. The protective tariff was not an issue, having received at Kansas City only three lines. In the minds neither of laymen, business men nor laborers did Prosperity seem to be in jeopardy because of a prospective attempt to debate our future relations to the Philippines.

The people were undoubtedly prepared to make Expansion the paramount issue, for they were still imbued with the notion that momentous national decisions are made only after honest debate and deliberate judgment.

The Philadelphia convention did not dispel the expectation that Expansion would be the paramount issue. The administration press could not withhold expressions of dissatisfaction that the platform was cut and dried, and made such meagre mention of the all-important questions forced upon us by the Spanish War. The hoisting of the flag of the Gold Standard and Prosperity was understood to be pure stratagem and an attempt to force the opposition to a defensive campaign.

At the time the Kansas City convention met, the following discontented elements were ready to vote and work against McKinley's endorsement: the Populist-Democratic party, which polled 6,300,000 votes in 1896; the Populist party, which polled 246,000 votes in 1896; the Prohibitionists, who polled 145,000 in 1896 and 262,000 in 1892; the two Socialist parties, who had cast 100,000 votes in the gubernatorial contests of 1898 and 1899; the Gold Democrats, who in 1896 had cast 134,000 independent votes. In addition there was within as well as without the party vigorous and bitter opposition to the canteen, to the civil service record of McKinley, to the *laissez faire* trust policy, and to the so-called capitalistic tendencies of the party, and finally a very general opposition to the Porto Rican tariff and the Philippine policy. Against the administration were arrayed on some one of these counts such men as Boutwell, Harrison, Cleveland, Reed, Harmon,

Wellington, Godkin, Schurz, Hoar, Hale, Heatwole, and Presidents Eliot, Hadley, Rogers, etc., and such influential organs as the *Chicago Times-Herald*, the *Boston Herald*, the *Philadelphia Ledger* and the *Springfield Republican*.

The Kansas City convention named as paramount the one issue on which all of these opposition elements were united. Bryan's Indianapolis speech appeared to cement the union. Briefly he called attention to those inconsistencies and mistakes of the Republican party which the opposition elements in turn condemned. He appealed to the consciences of Americans and pleaded for a people which was fighting now, as we in 1776 fought, for independence. He invoked the noble traditions of our nation; he appealed to our sense of fairness; he quoted from the fathers of the Republican party the declaration which awakes a sympathetic response—"Self-government is the natural government of man." He held up to view as our destiny "a republic applying in practice and proclaiming to the world the self-evident truth . . . that governments derive their just powers from the consent of the governed." His speech was accepted with enthusiasm as designating in masterly manner the paramount issue of the campaign.

But the supremacy of "Expansion" was brief. "Prosperity" soon took its place. The procedure by which the substitution was made is most instructive. First, the fact of Prosperity was demonstrated and elaborated; secondly, the fact of apathy as to the fate of Prosperity was shown; thirdly, the danger to Prosperity was shouted; fourthly, the paramountcy of Prosperity was proved; and finally the dependence of Prosperity upon the return of McKinley was established.

The first step was easy. So general was Prosperity and so strikingly obvious, that the administration propaganda from convention to election day, in the platform, on the stump, and through the pamphlet and official statistical publications was successfully carried on in the language of superla-

tives. Trade, imports, exports, balances, money supply, manufactures, population, safety deposits, insurance, mortgages discharged, capital ready to invest, coal and iron production, prices and wages—everything was the *biggest* it had ever been.

Nor was it difficult to prove that there was universal apathy. The Republican party could tell from the campaign contributions; it could prove it further by a long list of statesmen, scholars, business men and labor leaders who were hesitating whether to give the party a half-hearted support or whole-hearted opposition. This apathy was not as to the fate of the Philippines, the Porto Rican tariff, the theory that the constitution follows the flag or the future of American ideals. It was apathy as to the fate of Prosperity. The Republican press proved what everybody knew that in July the people were not afraid that Prosperity was jeopardized by the paramountcy of Expansion.

The fact that Prosperity was in imminent danger was next established. It was pointed out between June and September¹ that the commission to the Republican party to make² "every American dollar a gold dollar or its equivalent" had been only partially executed. A Democratic executive could undo the work of the administration. Bryan would certainly take advantage of the omission or oversight or failure of the Gold Standard act of March, 1900. Whereas the menace in 1896 was only to a prospective prosperity, the menace in 1900 was to a universally existent prosperity.

So vividly was the danger presented that the Republican National Committee alone was able to collect over \$5,000,000 to teach the public that the election of Bryan would shatter Prosperity. So earnestly was this taught that many large

¹ Secretary Gage, July 12: "I am satisfied that the new law establishes the gold standard beyond assault, unless it is deliberately violated." Compare with statements of August 25, and the succeeding debate with Mr. Schurz.—Daily papers, September 13.

² Platform.

manufacturing establishments gave notice to their employees that operations would be suspended the morning after Bryan's election. Contracts were made conditional upon the rejection of the candidate of the "forces of chaotic evil"¹ at the polls. So universal was the opposition that Democratic orators and journals were compelled to assume the defensive on the paramount proposition of their opponents.

The paramouncy of Prosperity was never in question after Bryan and his party turned from the issue on which they could unite all of the opposition elements, to debate the issues on which the administration was strongest. As was to be expected, there was defection in the opposition ranks and a cementing of the various discontented elements with the party of Prosperity. It is not improbable that the Democratic party lost votes with every speech made after the Indianapolis meeting. Certain it is that Expansion or Imperialism degenerated from a paramount issue involving the future of our political ideals, to a subsidiary theme in a chorus of captious criticisms upon the party in power. At Indianapolis, Bryanism scorned to discuss the dollar. In Madison Square, Bryanism in affiliation with Crokerism, discussed the dollar as at Washington Park economic questions began and closed an hour's talk. On questions of dollars and cents Democracy should have known that people welcome economic experiments, not when on the flood tide of prosperity, but rather when business conditions invite to change.²

It was not Bryan, it was not Bryanism, nor was it any gross materialism of the American people which, at this time of momentous crisis, shifted the issue from Expansion to Prosperity. All the conditions were present so far as the people were concerned, to justify and compel a free and full

¹ Governor Roosevelt, St. Paul Speech.

² Dr. F. A. Cleveland, of the University of Pennsylvania, has worked out an interesting diagram in which is shown the remarkable coincidence since 1820 of business depressions and administration reverses, and business buoyancy and administration successes in the United States.

discussion of the desirability of an Asiatic colonial policy. This discussion was averted, perhaps for all time, perhaps only temporarily, by the operation of the machinery of party organization, which in the interest of party, took from the American people the opportunity to decide its future attitude toward colonization in general, and toward the Philippine Islands in particular.

Two organizations, two armies of rival politicians, were struggling for the privilege of naming the paramount issue. Just as in war, the probabilities of success lay with the best equipped, and best organized. In equipment and organization the Republican party was in every respect superior. Within the party there was unanimity of thought and action; all endorsed without qualification the stratagem of the leaders as expressed in the Philadelphia platform. Within the Democratic ranks there were schisms and jealousies, chronic objectors and "traitors." The stratagem of the leaders at Kansas City was at the outset discredited by the debate over the silver plank. It was an aggregation of elements differing in party traditions, and holding in common only the belief that Expansion or Imperialism must be made the paramount issue.

The Republican party represented the moneyed interests of the country. The fear of an unsettling of the currency, and of injury to large corporations from Bryan's proposed anti-trust legislation, brought out liberal contributions to its campaign fund, giving the Republican National Committee plenty of ready money for all legitimate means of advancing its cause—such as paying traveling expenses of speakers, printing and circulating campaign literature, and making preliminary polls, not to mention the passes supplied by railroad corporations for sending home to vote men living in closely contested states.

The Democratic party, on the other hand, represented the interests of the "middle and lower" classes, and was compelled to seek its campaign contributions from these poorer

constituents, and the few moneyed interests which expected to gain from a Democratic victory. The piteously meagre fund resulting was a severe handicap which the Democratic party struggled in vain to overcome. While the Republican party was well supplied with speakers of note, and was able to send out all it considered advisable, the Democratic party was unable to send out all the speakers at its command. It is estimated that toward the end of the campaign, there were 7,000 Republican speeches made each week day, while the Democratic figure never attained the meagre number of 2,500. Nor could the Democratic managers supply transportation to enable citizens to return to their legal residences to vote. There was no general exodus of Democratic voters from the colleges and universities. Instead, Democratic student voters received letters similar to the following:

"We are very hard up this year and are depending largely upon the loyalty and enthusiasm of those who believe in justice and liberty to carry this campaign. The prospects in —— for a Democratic victory never looked brighter than they do at the present time, and I believe that if every Democrat does his duty that —— will cast her electoral vote for Bryan on the sixth of November. I know it is hard to ask a man to come such a distance to vote, but we must all make some sacrifices for the principles which we love and advocate, and I hope that something will occur whereby you can see your way clear to return home and cast your vote for Bryan."¹

The avenues for the transportation of facts and arguments and sneers and jokes and prejudices and canards were likewise opened more freely to the Republican party than to the opposition. The extent of the Republican domination over the press is not generally known, nor is its influence appreciated. In states like Pennsylvania there is little opportunity for the average reader to hear more than one side of great political discussions. In Philadelphia, out of forty-two dailies and weeklies, not one declared itself in the newspaper directory of this year to be Democratic, while

¹ From a National Democratic Committeeman in answer to a request for transportation by a student at the University of Pennsylvania.

twenty-nine were at the outset avowedly Republican. Of thirteen Independent organs two dailies, with a circulation of less than 200,000, had Democratic sympathies. One opposed Bryan's election throughout, while the other supported him on part of his economic program, thus helping to make paramount the issue on which Bryan must have been beaten. Even this support diminished in enthusiasm immediately prior to election day. Nor was there equality of equipment in the pivotal states such as New York and Indiana. The relative control over the press, in these states, is indicated in the following table:

	Daily.		Weekly.		Daily and Weekly.		
	N. Y.	Indiana.	N. Y.	Indiana.	N. Y.	Indiana.	Total.
Republican . . .	57	54	241	164	298	218	516
Democratic . . .	37	48	157	144	194	192	386
Independent . . .	41	25	262	137	303	162	465
Non-partisan . . .	22	16	210	127	232	143	375

This shows that of 902 avowedly Republican and Democratic papers, over 57 per cent had been consistently preaching Republicanism prior to the campaign. At the moment the campaign opened the administration party was in control of 33 per cent more dailies and weeklies in the ten doubtful states than the Democratic organization. In addition to their advantage of a greater circulation of papers already controlled, the Republican party had greater ability to purchase such independent and non-partisan assistance as was in the market. Furthermore it was in a position to exert greater indirect influence upon papers which would not barter their support for a consideration, but which because of their constituencies, could not help leaning rather to the conservative than to the radical side on economic issues.

It is unnecessary to describe the thousand and one artifices employed by both parties to influence the popular vote. Allowing for the difference in their capabilities and resources, they were equally spectacular, illogical, petty, vain-glorious and bombastic. In debate each was at a disadvantage on

the other's ground. The Republican party was able because of its superior organization and greater resources to suggest its own subject for debate, and maintained throughout Prosperity as the paramount issue. On that issue the election was won.

The same perfectly disciplined organization which determined the paramount issue is now, through its press and its leaders in Congress, determining the paramount result. No mention has yet been made in Congress of a "currency law which shall establish the gold standard beyond assault, unless it is deliberately violated." Instead, Congress is busying itself with the Ship Subsidy, the Nicaraguan Canal, the Army and Navy Reorganization appropriations and a reduction in the war taxes. Expansion is the paramount result of the election and the paramount object of legislation. Yet, as shown above, the American people have never debated on its merits the proposition to which they have indirectly committed themselves.

This fact is more than an interesting commentary on our system of government by parties. It indicates a loose and insincere method of reasoning which repudiates the lessons of experience. It shows that a paramount issue need not guide the legislator or the executive after it has guided the voter. The full force of the danger of such reasoning is more vividly presented, if we apply the same hiatus between pre-election and post-election intentions to the supposititious case of Bryan's election. It would follow that Bryan's election would have meant the unqualified endorsement of the demands and protests contained in the Chicago and Kansas City platforms. A similar type of reasoning construes the recent British Tory landslide to have meant an unqualified endorsement of the church and land doles; an acquiescence in the Tory failure to fulfill its pledges with reference to old age pensions and other social legislation; and an overwhelming vote of confidence in the war department. Thus it would never be possible to rebuke

an administration by an adverse vote, without commissioning the opposition to undertake each and every one of the sweeping and radical reforms to whose ultimate accomplishment different elements of the opposition are pledged.

The recent election clearly reveals the real nature of popular government under parties. It does more: it dispels many hallucinations cherished by the younger generation as to the manner in which society progresses and erects landmarks. We have been wont to envy our fathers and grandfathers, who lived in the epoch-making periods of our nation's development. We have lived again their tragedies, have struggled through the conflicts of interest, and braved the torrents of popular passion, class hatred and sectional strife, which, in that ideal past, aroused them to noble thought and inspired deed. We have resented the iconoclastic scholarship which would prove that the Revolution was a struggle for dollars, the Mexican War a war for booty, and the Civil War a contest for industrial supremacy. We have believed that grave crises could have been met only by candid thought and honest acts. The recent election has, however, demonstrated that popular governments under parties may pass great crises without facing them, that questions of permanent and world-wide importance may be decided while answering some infinitely less important questions, or even while refusing to be interrogated.

The ease with which we, as a people, pass from the contemplation of majorities to generalizations in regard to forces; the exaggerated importance which we attach to the electoral margin; the difficulty we experience in adjusting post-election interpretation to pre-election purposes; the depreciation of the causes represented by the losing candidate; the glorification of the leaders and periods of former struggles of the masses against the classes; the unanimity with which the press of the victorious party denies the possibility of a majority on a paramount issue without an unqualified endorsement of subsidiary policies; the hypnotic

influence of the party star chamber which shapes platforms, names candidates, designates paramount issues, dictates jokes, distributes applause, and disseminates patent insides and spontaneity,—these are all evidences that party discipline and party organization are the supreme powers in American politics.

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STATE BOARDS OF CONTROL WITH SPECIAL REFERENCE TO THE EXPERIENCE OF WISCONSIN.

The recent development of administration in the United States affords abundant evidence of a tendency towards centralization. This centralization may be considered as a phase of the general tendency towards combination and organization in industry which has characterized the closing decades of the last century. The rapidly increasing number of state offices and boards bears witness to this movement to enlarge the sphere of our commonwealth administrations. But in addition to the extension of central authority recent legislation has strengthened the control and supervision exercised by the educational, public works, police, charitable, correctional and other departments of the state over the work of the localities in the interest of uniform and economic methods of administration. It is probable that no other phase of the administrative systems of our states has been so unsatisfactorily organized as that of our charitable and correctional institutions. In order to correct loose and irresponsible methods in this department there has been a noticeable increase in the number of central responsible boards in the states. In 1899 there were operating in thirty states charitable and correctional boards exercising varying degrees of control over the state and local institutions. In certain of these states, as Minnesota and Texas, the control of the state board extends only to a few of the state institutions; while complete centralization and concentration of power has taken place in but seven of the thirty states, viz., Kansas, Rhode Island, Arkansas, South Dakota, Wyoming, Iowa and Wisconsin.

The rise of the state boards of charity and correction has been a gradual one, beginning during the period of the Civil War. From the time of their origin, these boards have

been subjected to the passing whims of changing legislatures. Their powers and organization have been frequently altered, and often the original boards have been subdivided. An increasing population and the growth of humanitarian sentiment have resulted in a rapid increase in the number of state institutions for the care of the unfortunate and the reform of the unsocial members of the community. The growth of interest in this field of work has demanded not only more careful attention to its scientific phases, but also better business methods. Hence this movement toward centralization, which has not been confined to any one section of the country, but which has reached a more advanced stage of development in the newer and more progressive states of the West.

The boards of charity and reform, as they are now organized in the various states, may be grouped into two classes: the first have the powers of supervision, inspection and recommendation, but leave the business management of each institution to a local board of trustees; the second exercise a positive control over the state institutions and assume full responsibility for their management, and also exercise a control over the localities in certain phases of their charitable and reformatory work. Boards of the first class are usually composed of honorary officers who give but a portion of their time to the work without pay; while the members of the second class or executive boards devote their whole time to the work and receive salaries commensurate with the responsibilities which they assume. In some of the states, as in New York, the system of administration combines both the professional state board, and the honorary local board of trustees. This, however, only extends to the care of the insane.

There exists a divided opinion among those engaged in charitable and correctional work concerning the practical merits of these two systems. In passing judgment upon them a careful distinction should be observed between

sentimental and scientific charity. The dominance of the first idea in the early years of charity organization led to the prevalence of "sentimental boards," engaged in both state and local charitable work. The growth of the second idea is in response to a more enlightened humanitarian spirit, which recognizes that public and private charity demands the most careful business methods and the scientific treatment of the questions of reform which come under the jurisdiction of the authorities. There is consequently involved in the choice of a system the question as to whether the executive board is in a better position to follow out scientific principles than the board which possesses only supervisory powers. A full discussion of these questions must be in the light of experience, and not merely through the collation of opinion. It must also be borne in mind that careful business and scientific methods under ample authority have been so recent that a comparison of the executive and supervisory systems is in a sense premature.

Among the state boards of charity and reform which have combatted the tendency towards centralization, the state board of Illinois has been especially conspicuous. It has been an open advocate, through its reports, of a supervisory state board with local boards of trustees in charge of each institution. These reports may be selected to defend the merits of this system. Sentiment has favored the retention of the advisory board, on the ground that "the essential principles of thorough and effective organization are the division of labor, accountability, and the spirit of emulation." It is urged that these are secured under the advisory board by committing to the local boards the care and responsibility for the many different state institutions.

A perusal of the reports of the Illinois state board reveals many complaints which suggest the need of a larger authority for the state board, and particularly in the treatment of the insane by the county authorities. The board complains of political influences in appointments, and doubt-

less could urge with equal reason the support of thrifty lobbyists by each institution at the legislative sessions in order to procure appropriations for their respective institutions. At least this practice has been quite general in those states employing the system of local trusteeships. One of the most urgent reasons for the creation of the state board of control, in Wisconsin, was the wasteful competition for appropriations between the trustees of the various state institutions, in their efforts to secure favorable appropriations. The institutions were constantly lobbying against each other, and the most liberal appropriations were secured by those who clamored with tact and influence, even, often, in opposition to the advice of the supervisory board. It is not at all improbable that similar practices prevail in other states where the state board possesses only supervisory and visitatorial powers. Viewed as a business proposition, the careless and unsystematic methods of the local boards of trustees have led to wasteful expenditures, which have shown these boards to be deficient if not dishonest. Among the members of these local boards, it must be admitted, will be found men of earnest philanthropic purpose, as well as of thorough business training, but they are not in a position to give to the public the full value of their observation and experience, since only a portion of their time is devoted to their work. In addition, the limited business field prevents the utilization of the advantages of the market in purchasing supplies. And still further, these boards are compelled to combat the strong feeling that the trade of a particular institution exists for the business men of the locality in which it is situated. But the strongest argument which can be urged against the supervisory system is given in a forthcoming report of the Illinois state board. This report contains an admission on the part of the board of the failure of the supervisory system, and strongly recommends the substitution of a board of control. The merits of the two systems will further appear as we follow the evolution of the board of control in the State of

Wisconsin, which has passed through the different stages of development through which the boards of other states are now passing.

The history of the state charitable and correctional institutions of Wisconsin may be conveniently divided into four periods: First, from the establishment of the first institutions to the year 1871, a period when the different institutions were under the management of local boards of trustees, without any supervising state authority; second, from 1871 to 1881, during which time the boards of trustees still managed the different institutions, but did so under the general direction of a State Board of Charities and Reform, which was created with powers of an advisory nature; third, the period from 1881 to 1891, marked by the creation of the State Board of Supervision of the charitable and reformatory institutions, which divided responsibilities with the previous board, but did not destroy it; and finally, the fourth period, since 1891, characterized by the creation of a State Board of Control of reformatory, charitable and penal institutions, which supplanted the two boards of the third period, and under whose management were centralized all of the charitable and correctional institutions belonging to the state.

During the first two periods, covering about thirty years, the local boards were appointed by the governor, for a term of three to five years, the members retiring on different years and receiving no salary. The state board of charities and reform was created in 1871, to the end that the administration of public charity and correction might be "conducted upon sound principles of economy, justice and humanity," and that the relations existing between the state and its dependent and criminal classes might become better understood. The board was composed of five members, who retired on different years, and who held two annual sessions. The duties of the board were to investigate and supervise all charitable and correctional institutions supported by the state, or receiving aid from the state treasury.

The members of the board were expected to make personal visits to the different institutions in order to gather information concerning the efficiency, honesty and economy of their administration, and to recommend such changes as might be deemed essential to their improvement. The board was also directed to conduct an investigation into the conditions of the poorhouses, jails, prisons, etc., of the state.

No one would deny that this was an ambitious and comprehensive program, and that the board, like similar boards in other states, was clothed with power of far-reaching recommendation. But for a summary of the results attained, the student should read the complaints of these boards of wasteful and extravagant expenditures, political influences and other factors which tended to retard development in charitable and correctional administration.

But these were the beginnings in a Western state where crude conditions still prevailed. While the state board could severely reprimand and amply recommend, it possessed no power to compel action. It could condemn the jails and police stations on sanitary grounds, but its suggestions went unheeded from year to year. The most favorable word that can be said with reference to the success of this board is that it was merely nominal. The objections that were urged above against honorary boards, applied to the Wisconsin system of this period. The local boards neglected their opportunities and generally practiced wasteful financial methods. Insufficient time was given to the work, and often incapable management was found. The inspections of the state board usually took the form of friendly calls at superintendents' offices, or upon members of the local boards. The inherent weakness of this system appears in many cases which might be cited showing that irregular and unbusinesslike methods were widely practiced by the officers of the various institutions. Deficits for unauthorized appropriations, false classifications in the pay roll, doubling of the weight of groceries and supplies, were among the

most common practices. These irregularities were made public in the special report of 1880, and led to the creation of the State Board of Supervision with larger powers of control. The success of this legislation was impaired by the fact that the two state boards possessed conflicting powers. The obvious intention of the legislature was to substitute a more centralized authority for the loosely constituted boards created in 1871. The members of the board of supervision were expected to devote their whole time to their work, for which they received a salary of two thousand dollars and expenses. In order to carry out this arrangement a permanent office was provided and placed in charge of a secretary, who also gave to his duties his whole time and attention.

The most important change made by the act of 1881 was the abolition of the local boards of trustees and the introduction of the simple and uniform methods of administration, which were now possible. In the place of the local board a superintendent or warden was given immediate charge of an institution and was made personally responsible to the State board for its management. The control of the board over each institution was strengthened not only by the abolition of the local boards of trustees, but also by the more detailed and strict accounting required of the head of each institution and by the examination of the local accounts. While this was doubtless a step in the right direction it tended to place great power in the hands of each superintendent. He was the purchaser of all supplies and naturally fell a prey to local conditions, and practices were gradually developed which destroyed efficient and economical administration.

With this dual system of state supervision in operation, it was not long before jealousy and conflict arose over questions of jurisdiction. It was largely due to this condition of affairs that the two boards were abolished in 1891 and the State Board of Control established in their place. At the time of its creation the board consisted of six members, but by the act of 1895, this number was reduced to five. The

members are appointed by the governor of the state, one retiring each year, and receive salaries of two thousand dollars and expenses. The purpose of the act of 1891 was to follow out the centralizing tendencies of the act of 1881, which created the board of supervision and destroyed the local boards of trustees. Thus, step by step, this centralization has gone on in Wisconsin until the state has taken a most advanced position among the states of the Union as regards the administration of its charitable and correctional institutions.

The institutions coming directly or indirectly under the State Board of Control of Charitable, Reformatory, and Penal Institutions, are divided into two classes, the state institutions and the semi-state institutions. The institutions of the first class are the State Hospital for the Insane, the Northern Hospital for the Insane, the School for the Deaf, the School for the Blind, the Industrial School for Boys, the State Prison, the State Public School for Dependent Children, the Home for the Feeble Minded, and the State Reformatory. The institutions which compose the second class are the twenty-seven county insane asylums, the Milwaukee County Hospital for Insane, the Industrial School for Girls, and the Wisconsin Veterans' Home.

A statement of the general powers of the board will aid to a clearer idea of the results of its administration. In the first place, it is charged with the maintenance, government, and direct management and supervision of the various state institutions. It must preserve and care for and make annually a full and complete inventory and appraisal of the property of each institution. The members must make monthly visits to each institution, and provide all needful regulations for the officers and employees, courses of study, tuition and maintenance of pupils. In short, all administrative matters pertaining to the state institutions fall within the jurisdiction of the board.

These powers are sufficiently ample to afford the board

an opportunity to develop a policy of charity and reform on broad and liberal lines. In some regards the board is pursuing a policy which was begun under the Board of Supervision, but in other respects it is breaking new ground, particularly in the care of the insane and the direct, unified management of the affairs of the different institutions. The members of the board are in constant attendance upon their duties and consequently bring to bear upon the problem under consideration a wide fund of observation and experience. Naturally a large and complicated business, with its legal and technical phases, has developed certain forms of specialized effort, which affords an opportunity for each member of the board to employ his peculiar talents to the best advantage.

A brief examination of some of the specific problems with which the board must daily grapple will convey a more definite idea of its policy. In view of what has been said concerning political influences at work in controlling the patronage of the state institutions under the supervisory system, an account of the working of the Wisconsin plan in this regard will be valuable. It was the former practice in this state to disregard in great measure the fitness of candidates for positions, and to select political friends and relatives for responsible places. In recent years there has been a gradual elimination of political considerations in the appointments made by the board. The constant growth in the number of offices has demanded a more careful selection of persons for responsible positions. An examination of the table on page 87 shows that the institutions are managed and operated at present by 632 officers and employees, receiving monthly salaries of about \$21,062, which places an important patronage directly or indirectly at the disposal of the board. In order to fix responsibility more definitely, the Board of Control has recently decided that future appointments will be made by the superintendents and wardens of the various institutions. Formerly the appointments were

made without consulting these officers, who were legally responsible to the board for the success or failure of their work. In future the superintendents and wardens of institutions are to make all nominations, subject to the approval of the board, and in addition these officers are to have power to suspend, and in some cases to remove, inefficient and rebellious officers and employees. In this manner they are made responsible for the success or failure of their institutions. This is a logical solution of a problem of great difficulty under prevailing political conditions, and must have salutary results. It practically frees the Wisconsin system from the abuses of partisanship, which is a pronounced step in advance.

In connection with the appointments of the board the question of salaries of officials and employees has come up for readjustment. Under the régime of the local boards the law was usually silent as to salaries, with the result that no general rule was followed. During the administration of the Board of Supervision the legislature fixed a maximum salary, leaving to the board the power to determine the amount within this limit. Under the sanction of this law the board reduced the number of offices and fixed the compensation in accordance with the nature and importance of official duties. This principle has been steadily adhered to with good results, both as to economy and quality of service.

The act of 1891 conferred upon the board powers of a wide scope, which it has been slow to assume. The former practice was to leave the business management and the purchase of supplies to the local authorities of each institution. This system made each institution the prey of the business men and supply houses of the locality, and of the political party in power. There was little or no competition in the purchase of supplies. The old supervisory board laid the foundations for this unbusiness-like practice in Wisconsin as in other states. It was helpless to remedy the abuses which were patent to any observing member of the board. The

popular idea had become firmly rooted, that each institution existed for the benefit of the business interests of the particular locality, or of the state at large when the local market could not supply the needed article. These two prejudices had to be overcome before the taxpayers of the state could secure the advantages of competitive prices for supplies. Not only must the principle of competition be extended beyond the locality in which each institution is located, but the market must be thrown open to all bidders. It was not until 1898 that the Wisconsin board took up these questions in a serious way, and from its action resulted a new policy, according to which the board now assumes full responsibility for the purchase of staple supplies, and the general administration of all state institutions. The Board of Control in Iowa inaugurated a similar policy about the same time.

The cost of supplies had grown so rapidly that it became necessary to exercise greater care in their purchase. The total revenue of the Board of Control for the present biennial term is \$1,299,238, which indicates roughly the volume of business controlled by the board, as well as the responsibility which it must assume. In order to determine whether efficiency and economy characterize the management of these public institutions, the same rules must be applied as to the management of a private business. The question must be answered in the light of business experience. In the first place, the same saving has doubtless attended the centralization of the business under the Board of Control which is usually attributed to large combinations in the private business world. If this leads to efficiency and economy in private business, it should prove equally effective in public business. If the Board of Control is enabled to develop more efficient business methods and to realize for the state a great saving by open competition in the metropolitan markets, its work should command the respect at least of the taxpayer.

Those supplies to which the greatest attention is given

by the board in Wisconsin are of course the staple articles. The purchase of these articles requires a close study of the markets, and the greatest care in the selection of the stock in order to prevent adulterations. Naturally the value of any system of purchasing depends upon the business skill and capacity of the parties to the bargain. The method of purchasing coal, flour, meat, groceries, soap, toilet paper and mechanical appliances is essentially the same, and may be briefly outlined. By the purchase of large quantities, bids become close and the difference often lies in the quality of the article. The contract system is used, and in order to get the advantage of changes in price, the board fixes the length of the contract period at about three months for most articles. It also makes special purchases by lot without competition. In the competition for some of the articles, as groceries, the board prefers the firms of the state, but in the purchase of meats the Chicago firms are the lowest bidders and are preferred. The bids are offered under sealed proposals. There must accompany each bid ten samples, one to be retained at the central office of the board, and the others to be sent to each institution for which the supply is purchased. Upon the receipt of the goods the superintendent must return samples to the office of the board and carefully examine all supplies with reference to the contract specifications. In this manner the quality of the supplies has been improved and adulterations avoided. It not infrequently happens that goods are rejected upon the advice of the state chemist.

This policy of purchasing supplies was developed without any specific legislation and naturally created much opposition on the part of local and state supply firms, but the Board of Control very properly held that the taxpayers of the state should receive first consideration, and that the state could not donate to a few business men the surplus above the price in the cheapest market. The board has preferred the business men of the state in so far as it could do so in justice to the taxpayers. The saving to the state is

the best answer to adverse criticism. A comparison of the biennial expenditures of the board since the inauguration of the new policy, with that of the previous fiscal period, shows an average biennial saving of \$121,183.15, which represents roughly the efficiency of the business methods employed by the Board of Control since 1897. The *per capita* cost of all the institutions since 1897 has been materially decreased, as is shown by the table on page 87. But these statistics represent only a part of the saving realized. They do not show the permanent improvements effected through the expenditure of the surplus saved from sustenance. Many thousands of dollars have thus been expended without the necessity of special appropriations. The buildings have been modernized, the grounds beautified, and the standard of living raised.

The method employed has eliminated the possibility of fraud through an elaborate system of checks. The system of bookkeeping is most effective, and has been adopted by other states. The itemization has been carried out in every possible detail, and through periodic reports from the superintendent of each institution the daily and weekly progress is recorded. No funds are received or paid out by the officers in charge, except on warrants by the board save in a few minor cases of produce from the farms; and recently steps have been taken to secure a more careful classification of the resources of each institution, in order to get a clearer idea of the cost of maintenance.

We now turn to another phase of the policy of the Wisconsin Board of Control, which has given it a unique place in the history of charity administration in this country, and even in Europe. It is the practice of other states to care for the insane in state institutions alone. In Wisconsin the Board of Control not only directs the administration of the state institutions, but also has been given a large control over the affairs of the locality in certain phases of its activity. The first step in the development of this central control lies in

NAME OF INSTITUTION.	Number of Inmates, October, 1900.	Number of Officers and Employees, October, 1900.	Total.	Pay Roll for Sep- tember, 1900.	Per Capita Cost Per Week, 1897.	Per Capita Cost Per Week, 1898.	Per Capita Cost Per Week, 1899.	Per Capita Cost Per Week, 1900.
State Hospital for the Insane	424	122	546	\$3,414 16	\$5 38	\$5 18	\$5 04	\$4 79
Northern Hospital for the Insane	585	169	754	4,201 99	4 75	5 09	4 18	3 89
School for the Deaf	190	46	236	2,110 87	6 48	6 09	4 66	5 26
School for the Blind	105	44	149	1,231 96	7 94	7 27	7 40	7 61
Industrial School for Boys	328	54	382	2,085 66	3 54	5 75	4 16	3 62
State Prison	496	47	543	2,481 17	2 89	2 91	3 01	3 09
State Public School	147	45	192	1,608 47	3 51	4 63	4 87	4 94
Home for Feeble-Minded	394	84	478	2,756 17	7 08	3 77	3 18	3 10
State Reformatory	115	21	136	1,171 17	. . . .	. . . .	. . . .	. . . .
Total or average	2,784	632	3,416	\$21,061 62				
Average					\$5 20	\$5 09	\$4 56	\$4 54

the power of the board to condemn jails, poorhouses, prisons and lockups on sanitary grounds. The board has been compelled to employ this power in only a few instances, as usually the municipality has corrected abuses without resort to drastic measures.

The second and most important step, known as the Wisconsin System, applies to the care of the chronic insane. The state supports two insane hospitals which are inadequate for the care of all of the insane of the state. The difficulty of caring for the acute and chronic cases in the same institution gradually developed a dual system for the separation of the two classes of patients. As a result the Board of Control inaugurated, in 1881, the policy of selecting the county asylums for the care of the chronic insane. At present there are in the state twenty-seven county asylums which are selected for this purpose and which are known as semi-state institutions.

The most important advantages of the Wisconsin system for the treatment of the chronic insane are economy, homelike surroundings for the patient, elasticity and effective state control. The economy secured by this system is apparent upon consideration of the fact that these hospitals are placed upon local farms of 100 to 500 acres each. The average cost *per capita* per week in the county hospitals in 1898 was \$1.60, for actual money expended, while the average cost for the two state hospitals was \$5.58 for the same period, which included all items of expense. The low *per capita* cost for the local institutions is due to the fact that the patients are largely self-supporting and not to any lowering of the scale of living. The whole cost of the insane is materially reduced by the fact that about two-thirds of the total number of the patients of the state belong to the chronic class and are cared for in the county institutions.

The Wisconsin system of dispersion which provides for the patient homelike influences by placing the hospitals on

separate farms, has much to commend it. The patients are permitted larger freedom, and consequently do not feel the restraints of close confinement. Great effort has been made to provide amusements and a free home life, which has given splendid results.

The system is also exceedingly elastic. The Board of Control selects those counties for the care of the chronic insane with reference to the standard maintained by the county authorities. It has full and final power to prevent the construction of new county asylums in advance of the need of such institutions. The policy of the board is to select those counties which have the largest number of insane in other county hospitals. The annual increase of the insane population of the state is about $2\frac{1}{2}$ per cent, and by this expansive system all future needs can be provided for as they arise. It will obviously be long before all of the seventy counties of the state are permitted to construct their hospitals; but as a result of the working of this system there are in the state no insane who are necessarily retained in a prison, poorhouse, private asylum, or family. For the care of each chronic patient the state fixes a rate of three dollars per week, one-half of which it pays, and leaves to the county from which the patient comes the additional cost, with a small remittance for clothing. All financial matters are adjusted between the counties through the Board of Control. No moneys pass directly between the board and the county authorities, but all adjustments are made upon the tax books of the state treasury, by adding or deducting the amounts upon the accounts of the counties concerned.

The final and most important advantage of the Wisconsin system is the strong control exercised by the board over the county asylums and poorhouses without destroying the responsibility of the county authorities in the management of their institutions. It establishes this control by a very simple but effective arrangement. By advancing to each county institution one-half of the support of the chronic

patients the Board of Control is enabled to fix a certain standard of efficiency before the county hospital will be selected for such purposes. This also incites a wholesome rivalry among the local authorities. The county asylums are, properly speaking, local institutions, but the Board of Control is in a position to encourage, in a direct manner, uniform and better methods of administration by reason of its power to select those county hospitals which shall care for the chronic insane of other counties, and to withdraw state aid in case the standard of efficiency shall fall below a point which the board feels to be dangerous to the welfare of the patient. Recently the board has taken steps to introduce certain uniform requirements applying to the government of the semi-state institutions, on the ground that the state has a direct interest in each patient by reason of the fact that it provides one-half of his support. The local authorities have received this suggestion in the spirit in which it was intended. In order to carry out this policy there have been issued from time to time circular letters prescribing uniform methods of administration for the county institutions. These do not take the form of mere requests, but have back of them the authority of law. By way of illustration, there was issued on April 5, 1900, a circular to all of the local institutions requiring the selection of medical attendants on the basis of fitness rather than on that of cheapness.

The board is at present engaged in the solution of the prison contract labor question which is so unsatisfactorily solved in most of the states. Before it can enter upon an independent solution of this problem specific legislation will be required. The usual objections to the present contract system are urged by the business interests of the state, and in addition there is a strong feeling on the part of many that the present methods bring the inmates of the prison into too close a contact with the outside world. Specific recommendations will be made to the coming legislature, which will enable the board to solve the problem in the same comprehensive manner in which it has met similar questions.

A review of the administration of the charitable, correctional and penal institutions of Wisconsin under the direct management of one central authority must tend to strengthen the confidence of those states which are leading in the movement towards centralization, and inspire the hope that the system will in time supersede in all of the states the loose and irresponsible supervisory boards. It must be generally admitted that one central authority is capable of developing better and more economical business methods, and of securing a uniformity in the administration of all state institutions, which seems highly desirable. Wisconsin and Iowa have set an example of the direct management of state institutions by a central board and it seems probable that this method will prove as beneficial and effective in the department of public business as it has in the conduct of large private enterprises.

SAMUEL E. SPARLING.

University of Wisconsin.

EDITORIAL.

At a meeting of the board of directors of the Academy, held October 3, 1900, Professor Roland P. Falkner presented his resignation as editor of the *ANNALS*, assigning as an imperative reason for the step, his acceptance of the position of chief of the bureau of public documents in the Congressional Library at Washington. As already announced in the *Bulletin* of the Academy, issued November 13, the board of directors chose Professor Henry R. Seager, editor of the *ANNALS*, to assume control January 1, 1901, and Professor Samuel McCune Lindsay, associate editor, to fill the vacancy created by Professor Seager's promotion.

In accepting Professor Falkner's resignation, the directors were keenly conscious of the loss which the Academy thereby sustained. Next to Professor James, Professor Falkner deserves the credit for whatever success the work of the Academy has attained during the eleven years since its foundation. An associate editor of the *ANNALS* from the date of the appearance of the first number in July, 1890, until Professor James resigned the editorship in October, 1895, he has since been editor-in-chief. During this long period of active editorial service he has had charge, successively, of each important department of the periodical, and each reflects to-day his talent for correlation and systematization. In addition to executive ability of a high order, Professor Falkner brought to his task an appreciation of literary values rare in a teacher of Economics. His discriminating criticism has had much to do with improving the literary form of the *ANNALS*.

On assuming control in January, 1896, Professor Falkner announced that, while it was not the purpose of the new board to introduce radical changes of policy, it would be its aim "to make the *ANNALS* not only a picture of the activities of the Academy and a repository for scientific papers, but so far as possible a complete record of current fact and discussion, which is of interest to the students of political and social science." How fully this aim has been realized is shown from a review of the volumes of the *ANNALS* issued under Professor Falkner's direction. In the departments entitled "Miscellany" and "Briefer Communications" have appeared interesting accounts of political and economic reform movements all over the world and fruitful discussions of theoretical and practical problems; under the head of "Personal Notes" a unique collection of biographical notices of the men who are recasting political and social science, either as teachers

or authors, in this country and abroad has been issued; the "Book Notes and Reviews" have embraced an ever-increasing number of titles; and the scope of the "Notes on Municipal Government" and the "Sociological Notes" has been considerably extended. Taking all these departments together, it is but just to Professor Falkner to say that under his direction during the last five years the ANNALS has contained a more complete "record of current fact and discussion of interest to students of political and social science" than is to be found in any other periodical. Such an achievement on the part of a salaried editor, with unlimited funds at his disposal to pay for contributions, would be a matter for congratulation. In view of the fact that the editor of the ANNALS receives no compensation and that contributions are unpaid, Professor Falkner's success appears all the more deserving of praise.

Besides securing many valuable papers for the ANNALS during his editorship, Professor Falkner made notable contributions himself, as is shown in the "Personal Note," which appears on another page. Especially deserving of mention are his articles on "Crime and the Census" (Vol. IX) and "The Development of the Census" (Vol. XII), which, it is believed, may have a salutary influence on the work of the present Census Bureau, and his article on "The Currency Law of 1900" (Vol. XVI), which contains a masterly exposition of the weak points in that statute.

This sketch of Professor Falkner's services to the Academy and to political and social science, would be incomplete if no word was said of the motives which induced him to accept a position in the Congressional Library. In entering upon his new work he has felt that he does not sever his connection with the academic world, for he hopes to contribute toward making the National Library, already strong in all that concerns economics and history, more directly serviceable to scholars and investigators. He also anticipates that increased opportunities for research will enable him to devote his pen to economic discussions as frequently as in times past. Especially, did he desire it to be understood on withdrawing from direct participation in control over the ANNALS that his interest in the Academy would remain as strong in Washington as it had been in Philadelphia.

Professor Lindsay, the new member of the board of editors, needs no introduction to readers of the ANNALS. That he was willing to assume the duties of an associate editor in addition to the responsibilities of the first vice-president of the Academy and chairman of the important committees on meetings and on members, attests his devotion to the Academy, at the same time that it greatly strengthens the editorial force. With his appointment the separation between the

publishing activities of the Academy and its activity in arranging public meetings, which seemed necessary for a time, is brought to an end. It is confidently expected that the result of this change will be a more harmonious development of the Academy's work along all lines.

The re-organized board contemplates only changes in harmony with the program outlined by Professor Falkner five years ago. The departments of "Miscellany" and "Briefer Communications," combined under the head of "Communications," will be expanded, so as to cover even more fully than in the past matters of current interest not dealt with in the "Principal Papers." The Book Department will remain under the direction of Doctors Young and Cleveland, and will continue the policy inaugurated by Dr. Young of extending the "Notes," so as to do ampler justice to the increasing literature on political and social science. The "Department of Notes" is considerably enlarged by the addition of "Notes on Colonies," conducted by Dr. Young, and "Industrial Notes," conducted by Dr. Meade. The "Notes on Municipal Government" will continue under the direction of Professor Rowe and Dr. Allen.

The scope of the "Sociological Notes" is so extensive that it has seemed wise to distinguish in future "Notes on Sociological Theory" from "Notes on Philanthropy and Social Reform." The former will be under the direction of Dr. Hagerty, Senior Fellow in Sociology in the University of Pennsylvania, and the latter under that of Dr. Edward T. Devine, Secretary of the Charity Organization Society of New York City. Dr. Devine, through his official position and through his experience as associate editor and member of the executive committee of the board of managers of the *Charities Review* and as editor of *Charities*, is especially well qualified for the task he has undertaken and the board feels that it is to be congratulated on securing his aid.

In order to make room in the ANNALS for the new departments it will be necessary to abridge somewhat the space allotted to leading articles. It is believed that such a change will meet with the hearty endorsement of readers of the ANNALS, many of whom have expressed the view that it is the departments which give its chief value to the publication. At the same time a persistent effort will be made to secure timely papers and the co-operation of Academy members to this end, and toward the improvement of the ANNALS in all directions is earnestly requested.

HENRY R. SEAGER.

COMMUNICATIONS.

THE FUNCTION OF SAVING.

Böhm-Bawerk in his "Positive Theory of Capital" makes saving the primary factor in the formation of capital. I shall endeavor to show that he uses the term "saving" ambiguously, and that by so doing he reaches a false conclusion as to the function of "saving" in its proper and generally understood sense, although his conclusion is sound as regards a certain limited sense of the word.

He says (page 102): "The essential thing is that the current endowment of productive powers should not be entirely claimed for the immediate consumption of the current period, but that a portion of this endowment should be retained for the service of a future period. But such a retention will undoubtedly be called a real saving of productive powers. A saving of *productive powers*, be it noted; for productive powers, and not the goods which constitute capital, are the immediate object of saving. This is an important point, which must be strongly emphasized because, in the current view, too little consideration is given to it. Man saves consumption goods, his means of enjoyment; he thus *saves* productive powers, and with these finally he can *produce* capital."

Again (page 122): "It is not my intention to do as Senior did, and try to make Saving a third factor in production along with Nature and Labor. . . It does not share with them in the work of production in such a way that any part of the same is due to it solely and peculiarly; it only effects that the productive powers, nature and labor, which in any case must do the *whole* work of production, are directed straight to this and no other goal—the production of capital and not of consumption goods. In a word, it has its place, not among the *means* of production, but among the *motives* of production—the motives which decide the *direction* of production."

If all that is implied by the term *saving* is that it changes the *direction* of production, very little if any fault can be found with what I have so far quoted. That capital must be *produced* is a self-evident proposition. That durable capital cannot be produced if all producers expend their energies upon what Professor Böhm-Bawerk calls "present time production" (that is, goods that can be made quickly for immediate consumption) is another self-evident proposition. If the whole working population spends all its time plucking flowers, no lathes and steam engines will be made; but the entire population would pluck flowers only in the event of the wants of the entire population being limited to flowers. Whenever the wants become varied and a

portion of the population demands articles that can be produced in sufficient quantities only by means of lathes and steam engines, then lathes and steam engines (capital) will come into existence. Now if the term *saving* is to be applied only to the motives which, with a varied demand, cause certain producers to make capital, then little if any fault can be found with the contention, and also very little, if any, importance attaches to it. But he uses the term in a wholly different sense, which other sense is the generally understood one. On page 115 he says, "If every individual in the community were to consume exactly his year's income in the form of consumption goods, there would arise a demand for consumption goods which, through the agency of prices, would induce the undertakers so to regulate production that, in each year, the return of a whole year's circle of productive powers would take the form of consumption goods. . . In this case there is no productive power left to dispose of in increasing capital, and capital only remains as it was.

If, on the other hand, each individual consumes, on the average, only three-quarters of his income, and saves the rest, obviously the wish to buy, and the demand for, consumption goods will fall. Only three-fourths of the former consumption goods will find demand and sale."

It should be here noted that Professor Böhm-Bawerk supposes a very unnatural case. It is hardly conceivable that in any real society all of the members would save at the same time. Any assumption, however, is legitimate if due caution be exercised in drawing conclusions. He proceeds, "If the undertakers, however, were for some time to continue the old dispositions of production, and bring to market consumption goods to the amount of ten million labor-years (the assumed total amount before saving commenced) the over-supply would very soon press down the price, business would become unremunerative, and the pressure of loss would compel the undertakers to adapt their production to the changed circumstances of demand."

Professor Böhm-Bawerk sees clearly the effect of demand being reduced one-fourth. Undertakers would have to curtail their production. It is now time to ask how it would be possible for all the members of the community to save at the same time. What would they do with their savings? It is true all the members of a community might *hoard* at the same time, but the author is not talking about hoarding—he elsewhere (page 115) carefully distinguishes between hoarding and saving. We thus see that his assumption of all the members of the community saving one-fourth is not only unnatural but impossible. The effect of attempting it would be the curtailment of production one-fourth, but no saving could be effected if production and consumption both fell one-fourth.

Professor Böhm-Bawerk continues: "They will now provide that, in one year, only the produce of seven and one-half million labor-years is transformed into consumption goods, . . . and the two and one-half millions which remain of the current year's endowment may and will be spent in the increasing of capital."

Here is where the Professor becomes unconsciously switched from the track and henceforth goes wide astray. He draws a wholly unwarranted conclusion in stating that two and one-half millions will be spent in the increasing of capital. It is difficult to see how he could fall into this error after having done so much to show us that capital is unfinished goods. He has himself shown us that demand for consumption goods calls capital into existence. I wish to emphasize what he has taught us—we cannot put too much emphasis upon it; *demand for consumption goods is an absolutely indispensable condition for the calling into existence of capital.* Now, where, in the Professor's assumed case is the *demand* for two and one-half millions of new capital? He has assumed that all of the people have *curtailed their demand* for consumption goods one-fourth. That would throw out of use one-fourth of the capital formerly employed. All of the people are to save one-fourth, whence then comes the demand for additional capital? He attempts to explain this as follows (pp. 115-116): "I say, 'will be spent,' for an economically advanced people does not hoard, but puts out what it saves—in the purchase of valuable paper, in deposits in a bank or savings bank, in loan securities, etc. In these ways the amount saved becomes part of the productive credit; it increases the purchasing power of producers for productive purposes; it is thus the cause of an extra demand for means of production or intermediate products; and this, in the last resort, induces those who have the regulation of undertakings to invest the productive powers at their disposal in these intermediate products."

This explanation is very confused. He sees the necessity of a *demand* for the two and one-half millions of new capital and is thus led to say "that which is" saved will be spent; but under the assumed conditions the only way they could be saved would be by hoarding, as the assumption was that all of the members of the community had curtailed their demand one-fourth. How could they invest in valuable paper in a community where all of the members have curtailed their expenditures one-fourth? People who have curtailed their expenditures do not then become borrowers. If the members of the community all put their savings in a bank or savings bank, that would be hoarding, under the assumed conditions; for the bank could not loan these deposits to a community, the members of which had all curtailed their expenditures one-fourth. Granted the purchasing power of producers for productive purposes would be increased, but

such producers do not increase the production in a community where the demand has just had a uniform shrinkage of one-fourth. It is strange that Professor Böhm-Bawerk could reason out to his satisfaction how a shrinkage of demand could induce undertakers to invest the productive powers at their disposal in intermediate products as he states. Intermediate products to become what products? By whom demanded? According to the assumption, we at first had an annual production and consumption of 10,000,000, then all the members of the community reduced their demand one-fourth, thus requiring only seven and one-half millions. The capital, or intermediate products for the seven and one-half millions was already in existence, and besides the capitalists have on hand two and one-half millions of idle capital. Where is their inducement to produce new capital under those conditions?

Professor Böhm-Bawerk, on page 117, says "to every simple man it is obvious that no stock of capital can be made, or can increase if men regularly consume their whole available income, if, in other words, they do not save. It was reserved for the sharp and subtle wits of learned theorists to suggest the first doubt about it."

I ask whether the Professor has not himself fallen into the same kind of subtle theorizing that he here criticises, in his confused argument, to try to prove that sane men would borrow money and build factories and machinery as a result of a sudden resolve on the part of all the members of the community to curtail their purchases 25 per cent.

This error led Professor Böhm-Bawerk to the conclusion stated as follows (p. 116) :

"We see, therefore, as a fact, an intimate connection between saving and formation of capital. If no individual saves, the people, as a whole, cannot accumulate capital, because the great consumpt of consumption goods forces the producers, by the impulse of prices, so to employ the productive powers that, every year, the produce of a whole year's endowment is demanded and used up in the shape of consumption goods, and no productive powers are left free for the increasing of capital. But if individuals save, the altered demand, again through the impulse of prices, compels the undertakers to dispose of the productive powers differently ; fewer powers are put, each year, at the service of the present, and thereby is increased the amount of those productive powers whose produce will be found in suspense as intermediate products ; in other words, the economical capital will be increased with a view to an increased consumption in the future."

This is wholly wrong. The fact is that "Saving," as the term is commonly understood, has no influence whatever upon the formation of capital. The amount of capital brought into existence is determined wholly by the demand for consumption goods immediately, and

mediately by the conditions which determine the general purchasing power. Any condition that raises the general purchasing power, and therefore the demand for goods, will call into existence as an incident to the production of the goods more capital. Any condition that decreases the general purchasing power, and therefore the demand for goods, will throw capital out of use and curtail its production. As the amount of capital is determined by the extent of the demand, so is the kind of capital determined by the nature of the goods demanded. If the demand for flowers, fruit and other goods of a short production period predominates, then the capital for producing goods of this kind will come into existence. If the demand for travel predominates, then more durable capital such as railroads, steamships and hotels will be produced.

What then is the real function of saving? The object of saving in the vast majority of cases is to provide a fund or income for future use, usually for the late period of life. What one saves is purchasing power, or in other words due bills upon the community's stock of goods. In actual society, instead of all people saving at the same time, as in the assumed case, some are saving and others are consuming without producing, or consuming more than they produce. Those who save lend their surplus purchasing power to those who cannot at the time save. In the case of children, invalids and some other non-producers, the purchasing power is *given* instead of loaned. In either case the purchasing power (leaving hoarding out of account) is simply transferred from the savers to other members of the community, who demand the goods that the savers might have demanded. In an ideal society free from legal monopolies, saving would not curtail demand in the least; neither would it increase demand in the least. It therefore would have no effect upon the formation of capital. Suppose that nobody saved in expectation of retiring from business voluntarily or otherwise. Suppose that all the members of the community produced all their lives, and all their lives lived up to their income. This would be the plainest possible case of a complete demand for everything produced; and if all legal monopolies could be abolished, the greatest possible amount of wealth would be produced, and the maximum amount of capital would come into existence and remain permanently. The amount of capital could not be increased one iota by such a people changing their habits in the direction of saving for future use. The only effect would be that the purchasing power of the savers would be transferred temporarily to others, in time to be returned to the savers or their heirs.

L. G. BOSTEDO.

LOCAL, VS. STATE CONSTABULARY.

In politics, as in industry, there is a constant conflict between tendencies toward centralization and toward decentralization. The coming legislative sessions promise a renewal of this struggle in various states, and even in Congress. How far changes in industrial and social conditions call for a readjustment of former landmarks, is strikingly illustrated by the suggestion, recently abandoned for party reasons, to take from the cities of New York the appointment and control of the city constabulary.

The political significance of this proposition is apt to be lost to view and obscured in the discussion of the constitutional principles involved. The proposed constabulary law is not without precedents. Boston, St. Louis, Fall River, Baltimore, San Francisco, Detroit and Denver, as well as numerous cities in Ohio and Kansas, have police not of their own choosing. Numerous decisions of state and national courts seem to show clearly that at the present time the appointment by states of local police commissioners is a question merely of political and social expediency, and not of constitutional right. Nevertheless, every successive encroachment is bitterly opposed and chiefly on constitutional grounds. What these grounds are is clearly set forth in a case recently argued before the Supreme Court of the State of Rhode Island. A restatement of that case, the arguments of counsels and the decision of the court may throw some light on the issue presented to vest the appointment of city police in a state authority.

In January, 1900, a bill was presented to the General Assembly of Rhode Island "to establish a Board of Police Commissioners for the City of Newport." This board was to be appointed by the governor with the advice and consent of the senate, and was in turn to appoint the chief of police. The bill was continued until the May session and passed May 31, "after a duly advertised and one of the largest attended public hearings held in recent years, at which hearing the Mayor of Newport was present and spoke."¹ Three commissioners were appointed, and on June 18 a chief of police was named.

The city of Newport *et al.* protested that the bill was unconstitutional on seven counts.² The essential objection was that "The act throughout infringes the rights of local self-government in the State of Rhode Island, enjoyed and preserved from the settlement of its first four towns to the adoption of its constitution, which the constitution recognizes, and on which it is built."

This involves the view, to adopt the language of the court, that "independent towns, governing themselves in all respects, formed

¹ Brief for respondents.

² Bill of Complaint, *Newport Mercury*, July 21.

the colony, in doing which they gave up none of their rights of self-government, that they never have given them up, and hence such rights are retained by the people." This view was clearly passed upon by Chief Justice Stiness in rendering the decision for the court. He traced the evolution of Rhode Island from a group of four independent local sovereignties in 1647 to a colony in whose general assembly power was concentrated by the charter of 1663. From 1663 to 1900 the assemblies had repeatedly passed laws affecting particular towns or cities. This evidence was adjudged to outweigh the unwritten theory of local self-government and to refute the claims of the petitioners for local independence. "The legislature has evidently assumed that local officers will not do their duty," said the Court, and ". . . our conclusion is that the right of a city to the sole control of its police force has not been so reserved as to make unconstitutional the appointment of a chief of police by commissioners," as contemplated by this act.

In support of the bill were cited numerous opinions handed down by justices of various state courts and of the United States courts, of which the following were the most important:

1. "A Municipal Corporation . . . is but a department of the State." *Barnes vs. District of Columbia*, 91 U. S. 544; *Mt. Pleasant vs. Beckwith*, 100 U. S. 524; *Williams vs. Eggleston*, 170 U. S. 310; *Metropolitan R. R. Co. vs. District of Columbia*, 132 U. S. 8.

2. "The police perform state functions and are state agencies and instrumentalities." *Burch vs. Hardwick*, 30 Grattau (Va.) 34; *Chicago vs. Wright*, 69 Illinois 326; *Cobb vs. City of Portland*, 55 Maine 383; *Kelly, Administrator, vs. Cook*, Supreme Court, Rhode Island, October 27, 1898. *General Laws Rhode Island*, Chap. CII, Section 17; *Beer Company vs. Massachusetts*, 97 U. S. 25-33.

3. "Acts creating boards of police commissioners are constitutional." 1857 (New York City), *People vs. Draper*, 15 N. Y. 544; 1867 (New York City), *People vs. Shepard*, 37 N. Y. 286; 1860-1900 (Baltimore), *Mayor vs. Police Commissioners*, 15 Md. 376; 1861-1900 (St. Louis), *State vs. County Court of St. Louis*, 34 Mo. 567; 1865-1900 (Detroit), *People vs. Mahoney*, 13 Mich. 500; *People vs. Hurlburt*, 24 Mich. 81, 103; *Park Commissioners vs. Auditors*, 28 Mich. 236; *Allor vs. Wayne*, 43 Mich. 76; *Metropolitan Police Board vs. Wayne Auditors*, 68 Mich. 580; 1876-1900 (Ohio), *General Law, State vs. Covington*, 29 Ohio 113; 1885-1900 (Boston), *Commonwealth vs. Plaisted*, 148 Mass. 386; 1888-1900 (Kansas), *General Law, State vs. Hunter*, 38 Kansas 581; 1894-1900 (Denver), *Trimble vs. People*, 19 Colorado 196.

WILLIAM H. ALLEN.

University of Pennsylvania.

PERSONAL NOTES.

AMERICA.

Library of Congress, Washington, D. C.—Dr. Roland P. Falkner¹, the editor of the *ANNALS*, has been appointed Chief of the Division of Documents in the Library of Congress, and entered upon his duties October 1. His services in connection with the *ANNALS* and the general work of the Academy are commented upon by his successor in a signed editorial, which appears in this issue.

Dr. Falkner was born April 14, 1866, at Bridgeport, Connecticut, where his father, the Rev. Dr. John B. Falkner, was then rector of Christ Episcopal Church. In 1869 the family moved to Philadelphia, and it was here that Dr. Falkner was educated in the public schools, and where, after graduating from the Philadelphia Central High School, he entered the University of Pennsylvania, taking the then newly established course in the Wharton School of Finance and Economy. From the University he graduated, in 1885, with the degree of Ph. B., and immediately went to Germany, where he studied Political Economy and Philosophy, at the Universities of Berlin and Halle, taking the degree of Doctor of Philosophy at the latter institution, near the end of the year 1887. He thereupon went to Paris, where he spent three months in studying Political Economy at the Collège de France. While at Paris, he made a special study of the schools for higher commercial education in that city. While still abroad he was appointed Instructor in Accounting and Statistics, at the University of Pennsylvania, upon announcement of which he returned to Germany and spent the summer semester of 1888 at the University of Leipzig, engaged in the study of German Commercial Law. His work as instructor at the University of Pennsylvania began in September, 1888, with which institution he has been connected for twelve years, until the date of his resignation to accept the appointment to the staff of the Library of Congress. He was made Associate Professor of Statistics in the University of Pennsylvania, in the spring of 1891, at which time he declined a call to the Professorship of Political Economy, at the Northwestern University, Evanston, Illinois.

During this period of academic work, in addition to teaching, Dr. Falkner made frequent contributions to the scientific literature in his

¹ See *ANNALS*, vol. iii, p. 510, January, 1893.

chosen subject, and was conspicuously identified with two important pieces of public service :

First, as statistician to the sub-committee to the Committee of Finance of the United States Senate, which was charged with the investigation of prices and wages in the United States. The materials for this work were gathered largely through the agency of the United States Department of Labor, but the analysis of the figures was confided wholly to Dr. Falkner, who began the work in the fall of 1891. The results were the well-known Aldrich Reports, devoted, respectively, to "Retail Prices and Wages" (three volumes), and "Wholesale Prices, Wages and Transportation" (four volumes). The report is, perhaps, the most important contribution of its kind to the history of prices and wages in the United States, which has been made by our government.

Second, in the fall of 1892, Dr. Falkner was appointed secretary of the American delegation to the International Monetary Conference, at Brussels, where he also acted as one of the secretaries of the Conference. The translation of the official French text of the Proceedings, published as a part of the American report, was prepared by Dr. Falkner and Mr. Smith, the English secretary.

Since 1893 Dr. Falkner has pursued, uninterruptedly, his academic work at the University, though he has taken considerable part in various scientific societies, and especially devoted himself to the interests of the American Academy of Political and Social Science.

Among the other scientific societies of which he is or has been a member may be mentioned, the American Statistical Association, the International Prison Association, Pennsylvania Historical Society, International Criminal Law Association, American Association for the Advancement of Science, American Economic Association, of which he was vice-president from 1896 to 1898 ; the National Conference of Charities and Correction, etc. Perhaps the most significant of all was the honor conferred upon him in 1894, when he was elected a member of the International Statistical Institute, whose membership is limited to two hundred, drawn from all parts of the world.

Some idea of the wide scope and broad sympathies and the indefatigable industry, as well as the rich results which have characterized Dr. Falkner's busy career, may be obtained from a glance at the appended list of his more important published writings. No biographical note, however, nor mere list of achievements, can adequately express the genial personality and the intellectual vitality which have so endeared him to his colleagues and associates in his past work, and which bespeak for him large results in the difficult work which he has undertaken.

"*Die Arbeit in den Gefängnissen*," Jena, 1888.

"*Prison Statistics of the United States*," Philadelphia, 1889.

"*Statistics of Private Corporations*." Publications of the American Statistical Association, No. 9, March and June, 1890.

Translation into English of Meitzen's "*Geschichte, Theorie and Technique der Statistik*." Published by the AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, Philadelphia, 1891.

"*Academic Instruction in Political and Economic Science in Italy*." ANNALS OF THE AMERICAN ACADEMY, April, 1891.

"*Criminal Statistics*." Publications of the American Statistical Association, No. 15, September, 1891.

"*Proposed Statistical Legislation*." Publications of the American Statistical Association, No. 17, March, 1892.

"*Statistics of Prisoners, 1890*." 8vo, 56 pp. Wardens' Association of the United States and Canada, 1892.

"*Retail Prices and Wages*." Report of Statistician of Senate Subcommittee on the Tariff. Senate Report 986, Fifty-second Congress, 8vo, 90 pp.

"*The Theory and Practice of Price Statistics*." Publications of the American Statistical Association, June and September, 1892.

"*Wholesale Prices, Wages and Transportation*." Senate Report, 1894, Fifty-second Congress, 1893. Report of Statistician, pp. 373.

"*American Economic Association*." ANNALS OF THE AMERICAN ACADEMY, November, 1892.

"*The International Statistical Institute*." Publications of the American Statistical Association, December, 1895.

"*Crime and the Census*." ANNALS, January, 1897.

"*Some Aspects of the Theory of Rent*." *Ibid.*, July, 1898.

"*The Development of the Census*." *Ibid.*, November, 1898.

"*Statistics of Crime*." In Volume on Federal Census. Publications of American Economic Association, 1899.

"*Wage Statistics in Theory and Practice*." Publications of the American Statistical Association, June, 1899.

"*Have We Sufficient Gold in Our Circulation?*" Forum, August, 1899.

"*The Movement of Prices Since 1890*." Bulletin of the United States Department of Labor, March, 1900.

"*Money*." Progress, March, 1900.

"*Is Crime Increasing?*" Forum, July, 1900.

"*The Currency Law of March 14, 1900*." ANNALS, July, 1900.

"*The Finances of British South Africa*." In Volume on Colonial Finance. Publications of American Economic Association, August, 1900.

Harvard University.—Dr. Thomas Nixon Carver¹ has been appointed Assistant Professor of Political Economy at Harvard University. In recent years Dr. Carver has been Professor of Economics and Sociology at Oberlin College.

Iowa State University.—Dr. Isaac Althaus Loos has been appointed Professor of Sociology and Political Philosophy in the Iowa State University, and also Director of the Iowa School of Political and Social Science, established by that University in June, 1900. He was born December 6, 1856, at Upper Bern, Berks County, Pa., and obtained his early education in the public school of Upper Bern and through private tuition. He attended the Lebanon Valley College (Annville, Pa.) 1872-75, and Otterbein College (Westerville, Ohio) 1875-79, receiving the degrees of B. A. in 1876 and M. A. in 1879. He pursued graduate studies at Yale University 1879-82, Collège du France, Paris, 1882-83, and Leipsic University, 1883-84.

Dr. Loos was then appointed Professor of History and Political Science in the Western College (Toledo, Iowa), which position he held until December, 1889, going from there to the State University of Iowa in January, 1890. For the next six months he was Lecturer in Political Science and Didactics, and from June, 1890, to July, 1900, he has been Professor of Political Science. Dr. Loos is a member of the American Economic Association, the American Academy of Political and Social Science, and has been, for the past two years, president of the Iowa State Conference of Charities and Correction. He has written:

"*The College and the University*," in the U. B. Quarterly Review. Dayton, Ohio, January, 1891.

"*Syllabus of Lectures on the Industrial Revolution*." 32 pp. Iowa City, 1892.

"*Special Statistics of Iowa Colleges*." Proceedings of the Iowa State Teachers' Association, 1893.

"*The Ethical Element in Law*." University of Iowa Law Bulletin. 10 pp. February, 1895.

"*The Association of Colleges in Iowa*." Educational Review, March, 1896.

"*University Extension*." Midland Monthly, November, 1896.

"*Outlines of Lectures on the History of Education*." Iowa City, 1896.

"*The Beginnings of Banking*." Bankers' Magazine, July, 1897.

"*Political Philosophy of Aristotle*." ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, November, 1897.

"*Municipal Ownership of Public Service Plants*." Proceedings of the First Annual Convention of Iowa Municipalities, October, 1898.

¹ See ANNALS, vol. xiv, p. 223, September, 1899.

"*Studies in the Politics of Aristotle and the Republic of Plato.*" 296 pp. The State University of Iowa Press, 1899.

Mr. Harry Grant Plum has been appointed Instructor in History at the Iowa State University. He was born in Johnson County, Iowa, November 3, 1868, and received his early education in Shelby County, Iowa, rural schools and high school and the Iowa City Academy. He attended the State University of Iowa 1890-96, receiving the degrees of Ph. B. in 1894 and A. M. in 1896. Mr. Plum was Fellow in History at the Iowa State University 1894-96, and Instructor in the same institution from 1896 to 1898. From 1898 to 1900 he was Scholar and Fellow in Columbia University.

Dr. Benjamin F. Shambaugh¹ has been promoted to the position of Professor of Political Science at the Iowa State University. His recent publications include the following:

"*Documentary Material Relating to the History of Iowa.*" Vol. II. State Historical Society of Iowa. Pp. 288. 1897-1900.

"*First Census of the Original Counties of Dubuque and Des Moines.*" The Historical Department of Iowa. Pp. 93. Des Moines, 1897.

"*Debates of the Constitutional Conventions of 1844 and 1846, etc.*" State Historical Society of Iowa. Pp. viii, 416. Iowa City, 1900.

"*Constitutional Law.*" Progress, Vol. V, No. 11. August, 1900. The University Association, Chicago.

"*Notes on the Early Church History of Iowa City.*" Iowa Historical Record, October, 1899. XV.

"*The History of Iowa from 1699-1821: A History of Governments.*" Iowa Historical Record, January, 1900. XVI.

"*Documents Relating to Governor Lucas.*" Iowa Historical Record, April 1900. XVI.

"*The Pioneer.*" Proceedings of the Old Settlers of Johnson County, Iowa, at their Annual Reunion, August 17, 1899. Iowa City, Iowa, 1899.

Missouri.—Dr. William Sidney Drewry has been appointed Assistant Professor of Economics and of General and American History at the University of Missouri. He was born July 14, 1870, at Petersburg, Va., and received his college education at the University of Virginia. After teaching in private schools 1893-97 he entered upon graduate studies at the Johns Hopkins University, where in 1900 he received the degree of Ph. D. He has written:

"*The Southampton Insurrection,*" a history of slave insurrections in Virginia from 1830 to 1865. Pp. 250. 1900.

¹ See ANNALS, vol. x, p. 428, November, 1897.

Northwestern University.—John Edward George, Ph. D., entered upon his work as Instructor in Economics in Northwestern University in October, 1900. Dr. George was born in Braceville, Ill., May 12, 1865, and received his early training in the public schools of the neighboring towns of Gardner and Braidwood. He prepared for college at Grand Prairie Seminary, Ouarga, Ill., entering Northwestern University in 1891 as a state scholar. While at Northwestern Dr. George gave especial attention to the study of economics and government. At graduation in 1895, with the degree of Ph. B., he was awarded the Cushing Prize in Economics for the best essay on "The Saloon Question in Chicago." The following year he returned to Grand Prairie Seminary as Instructor in Economics and History. During the year 1896-97 he pursued his studies at Harvard University as Scholar of the Harvard Club of Chicago, taking the degree of A. M. in June, 1897. He spent another year at Harvard, holding the Robert Treat Paine Fellowship in Social Science. In June, 1898, he was reappointed to this Fellowship with leave to study abroad. Under this appointment Dr. George spent the year at the University of Halle, Germany, from which he received the degree of Ph. D. in July, 1899. On his return from Europe, in the latter part of the same year, he was engaged for some months as secretary and statistician of the "Improved Housing Association of Chicago." During the latter part of the academic year 1899-1900 he was Instructor in the Roxbury Latin School, Boston, Mass.

Dr. George is a member of the American Economic Association. He has published the following:

1. "*The Saloon Question in Chicago.*" Economic Studies, vol. ii, No. 2 (April, 1897). American Economic Association.
2. "*The Coal Miners' Strike of 1897.*" Quarterly Journal of Economics, vol. xii (January, 1898).
3. "*The Settlement in the Coal Mining Industry.*" Quarterly Journal of Economics, vol. xii (July, 1898).
4. "*Die Verhältnisse des Kohlenbergbaues in den Vereinigten Staaten* (thesis for the doctorate in the University of Halle). Conrad's *Jahrbücher für Nationalökonomie und Statistik.*" Dritte Folge, Band xviii (lxxiii), October and November, 1899.

Oberlin.—Dr. Ernest L. Bogart¹ has been appointed Associate Professor of Economics and Sociology at Oberlin College. He has written recently:

- "*The Housing of the Working People of Yonkers.*" Economic Studies, Vol. IV, No. 5, October, 1898.
- "*Public Employment Offices in the United States and Germany.*" Quarterly Journal of Economics, May, 1900.

¹ See ANNALS, vol. xii, p. 259, September, 1898.

University of Pennsylvania.—Dr. Frederick Albert Cleveland has been appointed Instructor in Practical Finance at the University of Pennsylvania. His college training was had at the De Pauw University, where, in 1890, he received the degree of Ph. B. He studied law, was admitted to the bar in 1892 and practiced his profession until 1896. In that year he entered the graduate school of the University of Chicago, where in the following year he was made Fellow in Political Science. In 1899 he was appointed Fellow in Economics at the University of Pennsylvania, where he received in 1900 the degree of Ph. D. Dr. Cleveland has written:

"*Annotations to the Laws of the State of Washington.*" Hill's Code. Vols I and II, 1894, and supplemental edition, 1896.

"*The Growth of Democracy in the United States.*" Pp. 540. Chicago, 1898.

"*Legislative Tendencies in the United States Relative to Capital and Labor.*" *Jahrbuch der Vereinigung für vergleichende Rechtswissenschaft und Volkswissenschaftslehre zu Berlin.* 1898.

"*The Final Report of the Monetary Commission.*" ANNALS, January, 1899.

"*The Legal and Political Aspects of the South African Conflict.*" ANNALS, January, 1900.

Wellesley.—Miss Ryma K. Crandall has been appointed Instructor in History for the present academic year at Wellesley College. Miss Crandall is a graduate of Smith College, having taken her degree of A. B. in 1890. She has since spent three years in graduate study at the University of Chicago, and has served an equal period as Assistant in History at Smith College.

Wisconsin.—Dr. Gustav A. Kleene has been appointed Assistant in Economics at the University of Wisconsin. He was born May 30, 1868, at Peoria, Ill., where he received his early education in the public schools. In 1891 he received the degree of A. B. at the University of Michigan. After teaching in the High School at East Saginaw, Mich., he took up graduate study in 1893 and attended the Universities of Berlin, Tübingen, Columbia and Pennsylvania, where he took the degree of Ph. D. in 1896. After taking up work with the Charity Organization Society of New York he returned to school work in 1898 as teacher of History and Civics in the High School of Peoria, Ill.

ENGLAND.

Cambridge.—Dr. Henry Sidgwick died at Terluys, August 28, 1900, at the age of sixty-two. He was educated at Rugby, and at Trinity College, Cambridge. From 1859, until appointed Lecturer in 1869, he was fellow of his college. In 1875 he was appointed Prae-

lector of Moral and Political Philosophy, which office he held until his appointment in 1883 as Knightsbridge Professor of Moral Philosophy. Professor Sidgwick took an active interest in the education of women, and particularly in Newnham College, of which, upon the death of Miss Clough, Mrs. Sidgwick became the head. Professor Sidgwick held the degree of LL. D. from Edinburgh, Glasgow and St. Andrews, and that of D. C. L. from Oxford. Shortly before his death he retired from his professorship. His larger works are :

- " *The Methods of Ethics.*"
- " *The Ethics of Conformity and Subscription.*"
- " *Outlines of the History of Ethics.*"
- " *The Principles of Political Economy.*"
- " *The Elements of Politics.*"

SWITZERLAND.

Basel.—Dr. Stephan Bauer,¹ formerly Privatdozent at Brunn, was appointed, October, 1899, Extraordinary Professor of Political Economy and Statistics at the University of Basel. Before entering upon his duties he responded to an invitation of the University of Chicago to lecture on "Colonial Economics" and the "History of Political Economy" in the English language during the first summer quarter, 1899. Dr. Bauer has edited the statistical and other reports of the chamber of commerce of Brunn. Since 1895 Professor Bauer, in conjunction with Dr. Hartmann, of Vienna University, has edited the *Zeitschrift für Social- und Wirtschaftsgeschichte* (Berlin: E. Felber) to which supplements under the title "*Socialgeschichtliche Forschungen*" have been added since 1897 (hitherto six numbers).

To the list of Professor Bauer's publications noted in a previous number of the ANNALS should be added the following :

"*Die Arbeiter der Brünner Maschinen-Industrie.*" 4to, pp. 198. Brunn, 1895.

"*Quesnay's Tableau Economique.*" *Economic Journal*, Vol. V, No. 17, 1895.

"*Die Landarbeiter in Oesterreich.*" *Die Zeit*, VI, 1896.

"*Die Heimarbeit und ihre geplante Regelung in Oesterreich.*" *Archiv für soziale Gesetzgebung* X, 2, 1897.

"*Der Ausgleich und die Industrie.*" *Deutsche Worte*, 1899.

¹ See ANNALS, vol. iv, p. 810, March, 1894.

BOOK DEPARTMENT.

NOTES.

THE PAST AND PRESENT CONDITION OF PUBLIC HYGIENE, ETC., IN THE UNITED STATES,¹ gives an interesting though necessarily brief discussion of state boards of health, national health organization, voluntary associations, the control of infectious diseases, quarantine, food and drug inspection, public water supplies, sewerage and sewage disposal, school hygiene and medical inspection of schools, municipal hygiene, industrial hygiene, burial of the dead, railway hygiene, vital statistics, rural hygiene, the relation of the general government to public health, state medicine, medical education, registration of medical practitioners, inquest systems of the United States and various statistical statements and charts.

It is to be hoped that copies of this monograph will find their way into every public library. Not less important is it that this work be on the shelves of all sanitary offices, both state and local. Within the brief limits of one hundred pages are found a comprehensive history of the evolution of sanitation in the United States; a thorough and graphic presentation of the existing status of sanitation in the various states, and a searching criticism of the principal defects, with suggestions for improvement.

Of special service, both to the practical administrator and to the voluntary citizens' health organization, are the charts and tables, which must have entailed an enormous expense of time. It is probable that nothing would expedite sanitary reform like the extension of these tables to include the subdivision of states. A health officer without statistics, or a sanitary inspector without charts of his district, is like a miner without a lamp. Dr. Abbot has indicated the nature of the requisite charts and statistics. State and local boards can with little expense carry out the idea. Every statistician who reads the monograph will certainly be tempted to reproduce these studies in his own field.

The author declares the most prominent points in relation to public health in the United States at the present time to be:

"First of all, the marvelous rapidity with which the introduction of public water supplies has been effected in the past twenty-five years, specially in the states west of the Mississippi valley.

¹ *A Monograph on American Social Economics for the Department of Social Economy of the Paris Exposition.* By SAMUEL W. ABBOT, M. D. Pp. 163. 1900.

"*Second*, the stimulus which has been given to the methods employed for preventing the spread of infectious diseases through the agency of bacteriological investigations and the establishment of public and private laboratories for aiding sanitary work.

"*Third*, the necessity of providing a central bureau or department having authority to collect the vital statistics of the United States, from the different states and territories, and to publish the results of the same. It should also be the duty of such bureau to secure uniformity in the methods of collection and presentation in all parts of the country.

"*Fourth*, the need of one strong, central sanitary organization at Washington to co-operate with and to aid state and municipal sanitary authorities in every branch of public hygiene. . . . The failure of Congress to continue the useful work of the former National Board of Health, and its final dissolution, as a consequence, can only be regarded as a serious mistake."

Special emphasis is laid upon the necessity of reliable statistics in the states. Only ten states maintain at present a fairly complete system; viz, the six New England states, New York, New Jersey, Delaware and Michigan. The larger part of the country is, therefore, entirely unprovided with any satisfactory system of state and municipal registration. It is obvious that so long as this situation obtains, that the census returns of vital statistics are little more than guesses so far as thirty-five states are concerned.

It is to be regretted that the author did not discuss more at length the administrative reorganization which will bring about an improvement of our vital statistics. For instance, the statement is made that hygiene is neglected to a marked degree in rural districts. Having asserted that the preservation of the health of the fifty millions occupying the rural districts is a matter of quite as much importance as that which relates to the dwellers in cities, he omits to attribute the neglect of hygiene to the absence of sanitary administration. It is quite probable that the rural population would more readily adopt the hygienic mode of living suggested in detail by the author if they had constantly presented to them in a graphic way by sanitary officers, a demonstration of the expensiveness of their present unhygienic habits.¹

Mr. JAMES DEWITT ANDREWS, in his "American Law,"² recently published by Callaghan & Co., of Chicago, has made a most valuable contribution to the legal literature of the United States. For

¹ Contributed by Dr. WILLIAM H. ALLEN.

² Pp. lxvi, 1145. Price, \$6.50.

the practicing attorney this work far excels anything which has yet been written. The work, however, bears the clear impress of the student of law rather than the student of political science. The author has taken his outline and classification largely from Blackstone and other old books. This classification was formulated at a time when little thought was given to political science. In his division of the subject into the law of persons, things, actions and crimes, Mr. Andrews discusses government as a part of the law of persons. This, while it allows of the discussion of legal principles and precedents, is very confusing to a student of government. Such a classification stands in the way of a clear understanding of the various political relations instead of serving to elucidate the subject. While, therefore, too much cannot be said for the work to one interested in legal rules and precedents, it cannot be recommended as a text-book for the student of political science.

PROFESSOR BULLOCK has recently brought out a "new, revised and enlarged edition" of his "Introduction to the Study of Economics."¹ The principal changes made have been a restatement of the theory of value in Chapter VII, and the addition of a sixty-page chapter on "Governmental Expenditures and Revenues." A comparison of the new edition with the former work shows decided improvement in every case that change has been made. The restatement of the theory of value is especially deserving of commendation, as it now brings out clearly the distinction between the money, or business man's conception of costs and the social or economist's conception. Moreover, the style of the whole work has gained in firmness and clearness as a result of the changes that have been made and the information, noted as such a valuable part of the book, has been brought down to date. The large circulation which the work has enjoyed attests its suitability as a college text, and it may be stated confidently that the new edition will satisfy, even more completely than did the original work, the requirements of teachers of economics.

M. J. FRANCISCO, who explains in his preface that twelve years of practical experience as manager of an electric light plant qualifies him to analyze statements and reports of electric plants, has published a pamphlet of 172 pages, entitled "Municipalities vs. Private Corporations, Political and Business Management Compared."² The only

¹ "Introduction to the Study of Economics." Pp. 581. Price, \$1.50. New York: Silver, Burdett & Co., 1900. The first edition was reviewed in the ANNALS, Vol. X, p. 447.

² Price, \$1.00. Rutland, Vt.: M. J. Francisco & Son, 1900.

thing of any value which it contains is an abstract of an address delivered by the author a few years ago before the League of American Municipalities. The rest of the pamphlet is a hotch-potch of miscellaneous data and expressions of opinion intended, no doubt, to repudiate the arguments of the advocates of municipal ownership, but as a matter of fact, conveying no special ideas on the subject. Here is a sample of many similar statements: "Audubon, Ind. Tried municipal ownership and failed; it leased the plant to private parties and made contract with them for lights, and the lights are now furnished by the lessee." Also: "Portland, Ore. Dear Sir: The municipal plant was sold to the Electric Light Company. We are now paying about two prices for lights, etc." Mr. Francisco adds the following comment, although there is nothing to show upon what he bases it: "Here is a case where the taxpayers were willing to pay two prices for lights to a private company, rather than operate their municipal plant any longer." Not the least interesting part of the pamphlet is that devoted to editorial comments regarding the author. It is due, however, to Mr. Francisco and public utilities corporations to say that "this and other books published by the author have been published at his own expense, without the knowledge, aid or money from any party or corporation."¹

The History of Military Pension Legislation in the United States,² is a monograph, giving a systematic account of national pension legislation in the United States from 1776 to the present time. Dr. Glasson defines a *military pension* as "a regular allowance made by a government to one who has been in its military service, or to his widow or dependent relatives." Of these he finds two kinds: (1) *Invalid or disability pensions*, and *service pensions*, the latter comprising *pure service pensions* and *limited service pensions*.

After a brief notice of the early colonial laws and a statement of the national legislation on pensions prior to 1789 the writer treats his subject topically under five heads:

1. Revolutionary Pension Legislation, 1789-1878.
2. Legislation Based on Service between 1789 and 1861.
3. Civil War Pension Legislation, 1861-79.
4. Civil War Pension Legislation, Arrears Act to 1890.
5. Civil War Pension Legislation, Dependent Pension Act to 1899.

As a result of his historical study Dr. Glasson finds that the trend of pension legislation has been constantly toward increased liberality.

¹ Contributed by Hon. CLINTON ROGERS WOODRUFF, Philadelphia.

² By WILLIAM HENRY GLASSON, Ph. D. The Columbia University Press. Pp. 135. Price, \$1.00. The Macmillan Company, New York.

In 1818 the precedent for the service pension was established by the act pensioning all indigent soldiers who had served in the Revolutionary War. The present system is especially liberal, and is of a double nature, (1) that under the so-called general law, and (2), under the act of June 27, 1890. The latter applies to soldiers of the Civil War and their widows in cases where disability and death are not due to military service. It embraces more pensioners than all our other laws taken together, and is considered by the writer as the most defective part of the system. The former applies to all our wars since the Civil War and to wars of the future. The rules regarding beneficiaries are stricter but the benefice is larger.

The existence of a large surplus in the treasury is given as a principal cause for the unwarranted prodigality of the laws; the evil of encouraging citizens to look for a monetary equivalent for the performance of a patriotic duty as the most serious danger.

"THE CAUSE OF THE SOUTH AGAINST THE NORTH"¹ is a summary of the historical evidence in justification of the Southern States and their action up to and including the Civil War. The author, who was formerly a representative in the United States Congress, has given an interesting, if not always pertinent, account of the issues of the Civil War from the standpoint of the South.

INTERNAL IMPROVEMENT IN MICHIGAN² is a valuable contribution to the literature on the industrial development of the United States. The study covers only ten years of internal improvements in Michigan (1836-46), but the period is one of particular interest, owing to the fact that many of the internal improvements of that state had their beginning at this time. Canal building, railway construction, the development of turnpike roads and bridges formed an important part of the life and interest of this new community. The methods employed, the results accomplished, the financial difficulties undergone, are set forth in detail. The author has proceeded from an investigation of original documents and current literature available to few students in history and economics.

"THE COUNTY PALATINE OF DURHAM,"³ by Gaillard Thomas Lapsley, Ph. D., strikes to the very root of English constitutional history.

¹ By B. F. GRADY. Pp. 345. Price, \$1.00; \$1.50. Raleigh, N. C.: Edwards & Broughton, 1899.

² By Hannah Emily Keith, M. L. Pages 48. Price, paper, 50 cents. Michigan: Political Science Association, July, 1900.

³ Published in Series of Harvard Historical Studies. Vol. viii. Pp. xv, 380. Price, \$2.00. New York: Longmans, Green & Co.

The author has selected the County Palatine of Durham as a norm, presenting all of the characteristics of the smaller group in English political society; we are thereby given a much more exact knowledge of the constitutional government of the entire empire. He traces the history of the County Durham from its origin, portraying in minute detail the structure of executive and judiciary, as well as the financial and military arrangements. This study is of especial interest to the American student on account of the importation of English institutions in colonial government. It is impossible to understand the colonial establishment of New York, Virginia and the Carolinas without knowing the local government of England at the time. Dr. Lapsley has given us a working model, from which we can reconstruct our early colonial institutions with much greater accuracy than was heretofore possible.

MR. LECKY'S recent work, "The Map of Life,"¹ touches two points of interest in the field of social science, the first being the rapid decline, during the past generation, of the love of individual liberty. The English race are now "contentedly submitting great departments of their lives to a web of regulations restricting and encircling them." The historian declares that "the triumphs of sanitary reform as well as of medical science are perhaps the brightest page in the history of our century." "At the same time the marked tendency of this generation to extend the stringency and area of coercive legislation in the fields of industry and sanitary reform . . . may in more ways than one greatly injure the very classes it is intended to benefit."

The second reflection of special interest relates to the South African policy of the dominant English party. "The Jameson raid was one of the most discreditable as well as mischievous events in recent colonial history, and its character was entirely unrelieved by any gleam either of heroism or of skill." English public sentiment was grossly deceived, "one of the chief and usually most trustworthy organs of opinion having been made use of as an organ of the conspirators." Cecil Rhodes is held responsible. His popularity with the British public is cited as evidence that the standard of morality in international politics has not kept pace with the improving standard of morality in home politics. The following sentences sound a solemn warning which, at the present time, may be construed as addressed to each of the leading world powers: "Of all forms of prestige, moral

¹ *The Map of Life, Conduct and Character.* By WILLIAM EDWARD HARTPOLE LECKY. Pp. xiv, 352. Price, \$2.00. New York: Longmans, Green & Co., 1899.

prestige is the most valuable." "A nation wins prestige if its policy is essentially honorable and straightforward, if the word and honor of its statesmen and diplomatists may be trusted implicitly, and if intrigues and deceptions are wholly alien to their nature."

THE SOURCE-BOOK OF ENGLISH HISTORY¹ is a bold attempt to give in a single volume a collection of sources extending from "the first mention of Britain by ancient historians to the last great treaty with the Boers of South Africa." To the important constitutional and legal documents which are selected with a view to furnish a framework for the history of national development, a great deal of illustrative material is added, which is not strictly documentary. The work of the author therefore called for careful discrimination in the selection of material. The result, from the standpoint of political history, is eminently satisfactory; the political, legal, and even the ecclesiastical changes and growth are admirably set forth so far as the limits of the work would allow. From the point of view of English social and economic development, however, the book is a decided disappointment; a few sources regarding the organization of rural and municipal society in the early mediæval period are given, but the great movements of more recent centuries, such as the abolition of serfdom, the transition from villinage to free labor, and the important social and economic changes of the early Tudors are absolutely ignored. Nor does the great industrial revolution and the consequent readjustment receive better treatment. This peculiar bias in the choice of material is inexcusable and has resulted in an unfortunate and serious defect in an otherwise meritorious work.

The constructive work by the author appears to advantage in the chapters on "Bibliography of Sources," followed by one of less value, giving the "Sources Arranged by Epochs."

"CASES ON CONSTITUTIONAL LAW"² is a convenient collection of the most important cases affecting our constitutional development. The value of these collections in general depends upon the ability of the compiler to select those decisions and just those parts of each decision which are important. In the second place the value of the compilation depends upon the description of all the incidents surrounding the case. President McClain has chosen his cases and his quotations from each case admirably. It is, therefore, to be regretted

¹ By GUY CARLETON LEE, Ph. D. Pp. 609. Price, \$3.00. New York: Henry Holt & Co., 1900.

² By EMLIN MCCLAIN. Pp. xv, 1080. Price, \$4.50 net; \$5.00. Boston: Little, Brown & Co., 1900.

that the space at his command did not permit of a satisfactory explanation of the origin of each case. In the chapter on "The Government of Territories," the book bids fair to be antiquated in a very short time by reason of the rapid development of our constitutional law on this point. One or two important and interesting cases are not found in the compilation, but the ground as a whole is well covered and it may be said that the object of the collection is attained.

DR. ELLIS P. OBERHOLTZER has rewritten his monograph on "The Referendum in America,"¹ and brought it up to date. Among the most important additions are the first three chapters on "The Interplay of French and American Thought in the Eighteenth Century," "The Downfall of Franklin's Government in Pennsylvania," and "The Rise of the Constitutional Convention." In these three chapters the author gives a most interesting discussion of the conflict between the political philosophies of Franklin and John Adams, Franklin representing the extreme radical tendency of democracy, while Adams represented the theory of checks and balances. Dr. Oberholtzer is of the opinion that Franklin's system worked more injury than good to the government of the colonies and the Pennsylvania constitution of 1776 is pointed to as an indication of this. The author thinks it fortunate that the philosophy represented by Adams triumphed in the Federal Constitutional Convention of 1787.

After this preliminary discussion, which might well have been condensed into a single chapter and entitled "Radical *versus* Conservative Democracy," the author proceeds to a discussion of the referendum as it has developed in America. This development has taken place in three forms, the referendum on entire constitutions, the referendum on laws, and the local referendum. The local referendum is the most varied of the three, having developed, for example, as a referendum on bills affecting the scope and form of local government, on loan and financial bills, on liquor licenses, etc. The work is in no sense a critical one, nor is it an attempt to justify direct legislation, but aims to be "an unvarnished historical account of some important developments in the field of popular government in the United States of America." In his concluding chapter on "Referendum *versus* Representative System," Dr. Oberholtzer has been almost too careful in his efforts to avoid a prejudiced conclusion. "One cannot escape the thought, therefore, that there may be compensations in the method of direct legislation, at any rate with regard to local government, and that it may at least not be a tendency to make our system, already bad, in any essential respect the worse." Dr. Oberholtzer's work should help to dispel the widespread ignorance on this important subject.

¹Pp. 430. Price, \$2.00 net. New York: Charles Scribner's Sons, 1900.

THE REPORT ON MUNICIPAL TRADING,¹ by the Joint Select Committee of Parliament, appointed to investigate this subject, will be found invaluable by all who are interested in the question of municipal ownership and operation of public conveniences. With the usual deliberation and thoroughness of parliamentary committees appointed for the purposes of investigation, the Earl of Crewe and his colleagues held fifteen sittings, all of considerable length, and heard both sides of the question discussed by thirty-five witnesses, representing governmental organs, local bodies, public and private enterprises. The results of the system of questions and answers by which the investigation was carried on are found in this "blue book" entitled "Municipal Trading." The committee consisted of five commoners and five lords.

The minutes of evidence fill about three hundred and fifty pages, and the appendix one hundred and fifty.

From the various tables and statements of the witnesses we gather a number of important facts regarding the present state of municipal activity in business undertakings. In England and Wales there are 265 municipal corporations thus engaged, and also 74 in Scotland. This is 45 per cent of the boroughs in the United Kingdom. The chief industries are: Waterworks, 226; markets, 197; gasworks, 119; baths, etc., 112; tramways, 65; cemeteries, 64; electric lighting, 60; piers, quays, etc., 15; working-class dwellings, 8. The amount of capital involved is \$440,726,975, of which 94 per cent is borrowed. Half of this is employed in waterworks and a quarter in gas. Electric lighting uses seventeen and tramways sixteen millions. Between 1875 and 1896 the percentage of local to national debt rose from twelve to thirty-nine.

All arguments brought forward against municipal trading may be summed up in these statements: (1) that water alone being a universal necessity, municipal industry should be limited to supplying it; (2) municipalities lack the business experience essential to carrying on tramways, gasworks, etc., successfully; (3) local authorities are overworked; (4) municipalities cannot take advantage of modern improvements, or would not without the stimulus of competition; (5) the large number of workmen employed constitute an important electoral factor; (6) using profits from one industry in another is bad finance; (7) private enterprise is discouraged and industrial progress checked; (8) to it is due the backwardness of electrical and

¹ *Report from the Joint Select Committee of the House of Lords and the House of Commons on Municipal Trading, together with the Proceedings of the Committee, Minutes of Evidence and Appendix.* Pp. x, and 513. Price, 4s. 3d. London: Printed for Her Majesty's Stationery Office, by Wyman & Sons, Limited, 1900. Blue Book 305.

other industries in England; (9) it involves an enormous increase of debt; (10) it embroils municipal bodies in labor troubles.

On the other hand advocates are not wanting among the witnesses to show that (1) the question of what constitutes a universal necessity differs in different municipalities and, therefore, trading ought not to be limited to water; (2) corporations can borrow money at a very low rate of interest; (3) many men are willing to devote their public life to these undertakings rather than ally themselves with private undertakings; (4) the comfort and convenience of citizens are better looked after; (5) the corporations can employ the most efficient and experienced officials and workmen; (6) they can pay the highest wages and house the workmen better, thereby avoiding labor troubles; (7) increase of debt is merely nominal, and in several cases more capital has been paid off than would have been under companies; (8) only one-third of the local debt of England is due to trading industries; (9) rate-payers generally approve of municipal trading. Detailed accounts are given of the successful municipal enterprises of Birmingham, Liverpool, Manchester, Leeds, Glasgow, Blackpool and London. The arguments of private traders against corporations engaging in tramway, electric lighting, gas, telephone, paving manufacture, etc., are answered by tabulated statements and statistics drawn from the experience of some of the best governed cities in the United Kingdom.¹

"INTERNATIONAL LAW"² is one of the latest additions to the Temple Cyclopædic Primers. The idea of condensing a treatise on international law into less than two hundred pages is a novel one but is decidedly in line with the modern tendency toward shorter books. The author has given a good, though necessarily cursory and suggestive treatment of the most important modern questions, *e. g.* the law of peace and war, neutrality, blockades, etc. In most instances it has been impossible to do more than mention the question at issue and often the author has stated what should be rather than what is the law. Nevertheless, the work is interesting and will doubtless prove useful as an introduction to the subject.

"ETHICAL MARRIAGE"³ is an attempt to discuss the moral aspects of the marriage bond. The author treats several sides of marriage which have not heretofore been discussed in popular works, but he

¹ Contributed by HENRY JOHNS GIBBONS, Philadelphia.

² By F. E. SMITH, M. A., B. C. L. Pp. 184. London: J. M. Dent & Co., 1900.

³ By DELOS F. WILCOX. Pp. 235. Price, \$1.25. Ann Arbor, Mich.: Wood-Allen Publishing Company, 1900.

does so in a way which will not offend even the most delicate sensibilities. While very few will agree with some of the conclusions reached, yet the main thought of the work will be acceptable to all. Emphasis is placed upon the social side of marriage and this feature of the work constitutes a comparative novelty.

THE GOVERNMENT CLASS BOOK¹ is one of the few secondary books intended to present the principles and facts of political science necessary to the proper exercise of the functions of citizenship. The first part, the exposition of general principles of legal and political science, is a revision of Mr. Young's former manual. The second part is a study by Professor Judson of the method and machinery of the government of Illinois.

In addition to the subjects treated in every conventional text-book on civics, six out of fourteen sections are devoted to local government, public revenue, public education, constitutional restrictions on the powers of government and the relations of Illinois to the United States. The teacher will find helpful suggestions in the frequent use of references, as well as in the ten appendices. Here are given an analysis of the Illinois constitution, the governors of Illinois, the presidents of the United States, the electoral votes cast by Illinois, the congressional districts, the senatorial districts and the election districts of the supreme court, the judicial circuits, the area and population of Illinois and Chicago since their settlement and a list of references to laws and constitutions.

REVIEWS.

Historical Jurisprudence. An Introduction to the Systematic Study of the Development of Law. By GUY CARLETON LEE. Pp. xv, 517. Price, \$3.00. New York: The Macmillan Company, 1900.

"The unity which it is the business of jurisprudence to exhibit as underlying all the phenomena which it investigates is the late discovery of an advanced civilization, and was unperceived during much of the time during which those phenomena were accumulating. The facts can only be presented by history, and history may be studied with the sole view of discovering this class of facts. But this is not the task of jurisprudence, which only begins when these facts begin to fall into an order other than the historical and to arrange themselves

¹*The Government Class Book. A Manual of Instruction in the Principles of Constitutional Government and Law.* By ANDREW W. YOUNG and HARRY PRATT JUDSON, LL. D. Pp. 265. Price, 75c. New York: Maynard, Merrill & Co., 1900.

in groups which have no relation to the varieties of the human race. . . . One work on jurisprudence may contain more of historical disquisition, while in another philosophical argument may predominate, but such differences are incidental to the mode of treatment and afford no ground for a division of the science itself."

These words of Professor Holland must be accepted as authoritative. They express with unmistakable clearness a view of jurisprudence which is now taken by the most discriminating students of that science. If such a view be accepted, the title of Dr. Lee's book is a misnomer, for his "Historical Jurisprudence" is not jurisprudence at all, nor is it a history of jurisprudence. In fact, it is an exposition of certain legal systems and should be so entitled. The national codes which he has selected for study are those of Babylonia, Egypt, Phœnicia, Israel, India, Greece, Rome, and early England. Besides these there is an exposition of the Canon Law. The monographs dealing with these codes are grouped in three general parts. Part I is entitled "The Foundations of Law;" Part II, "The Development of Jurisprudence," and Part III, "The Beginnings of Modern Jurisprudence." But something more than names is necessary to give to the different parts of a work an organic unity, and such unity is just what "Historical Jurisprudence" lacks. Speaking from the point of view already indicated, it may fairly be said that Dr. Lee's first part should have been called "Outlines of Early Law;" his second, "The Development of a Legal System," and his third, "The Beginnings of Modern Codes."

Except from a chronological standpoint the ideas treated in Part I could scarcely be said to be foundations of law. Many of them indeed are not even shared in a slight degree by the later codes, and hence would be "foundational" only in the sense of being antecedent to present notions. Of those systems that are to be taken as foundational, Dr. Lee enumerates six—the Babylonian, Egyptian, Phœnician, Jewish, Indian and Greek. Babylonia, he thinks, has through its system exerted an immense influence upon the law of the western world. Here the first needs that gave rise to a legal system were commercial in their character. "The great work of the nation was the production of a system of law necessary to the extended commercial activity of the city and produced by that activity." On the other hand, the basis of the Egyptian code was the relation of the population to the soil. "Foreign commerce, at least in the early and middle empires, was foreign to the Egyptian character." Hence the quiet growth of a system of private customary law not dependent upon legislative enactment. No changes like that produced in the Roman law by the introduction of the *Jus Gentium* are to be traced, nor was the system deeply affected by notions borrowed from neighboring

countries. Phœnicia, however, drew largely upon the legal ideas of Babylon, and its law dealt largely with trade. A new principle was invoked in the Jewish law. Civil and criminal law were distinguished by the influence of religious ideas. No clear conception of the state as a party to the law existed, but revenge between man and man was the underlying principle. Three distinct codes may be observed, that laid down in Exodus, the Deuteronomic code, and the priestly code found in Exodus and Numbers. Indian law was similar in that the whole life of man was treated from an exclusively religious standpoint, since "no circumstances had arisen to cause a distinction between theology, philosophy and law as independent sciences." Greek law was a distinct step in advance over earlier systems. The idea of the state became prominent, and although it was recognized in different degrees and in different ways by the varying codes of Greece, *e. g.*, those of Sparta and Athens, it was always conscious. The law of Rome represented an entirely new phase of human conceptions on the subject. It is a trite commonplace to say that it was the great and enduring contribution of the nation to the world's intellectual wealth. "The position which Greece has held in the history of the culture of the world was in no greater degree owing to its artistic triumphs than was the corresponding position of Rome to its juridical triumphs."

Very much more space is necessarily devoted by Dr. Lee to the law of Rome than to that of any other state. Material, too, is much more abundant and more available. Yet it is just here that the author's method proves disappointing. He does not improve upon the numerous brief discussions of Roman law that are accessible to every student, and the defects of his method of studying the subject have prevented him from tracing the relations between the Roman system and the codes that preceded it. Much the same may be said of the treatment of early English law, but more interesting are the chapters on the barbarian codes and the reception of Roman law. The latter traces the process of transplanting the law of Rome to continental countries.

"Historical Jurisprudence" seems to be made up largely from secondary sources, and hence cannot be regarded as a standard work, whatever its accuracy. It contains no bibliography and few footnotes, and is somewhat lacking in scientific quality. Moreover, as already indicated, it is not a work dealing with jurisprudence in the true sense of the word. Nevertheless, it is a distinctly readable book and will be very useful for convenient reference.

H. PARKER WILLIS.

Washington and Lee University.

History of the Theory of Sovereignty Since Rousseau. By C. E. MERRIAM, JR., Ph. D. Pp. x, 232. Price, \$1.50. The Columbia University Press: Studies in History, Economics and Public Law, Vol. XII, No. 4. New York: The Macmillan Company, 1900.

A "History of the Theory of Sovereignty Since Rousseau," is the work of a graduate student in the Columbia University School of Political Science. One cannot but admire the courage of the author in undertaking a task so great and at the same time so delicately critical. In view of the fact that he had to pursue his study without a satisfactory system of political philosophy, afforded by recent writers or constructed by himself, Dr. Merriam's monograph is certainly a meritorious production. Its publication will help to arouse a greater interest in the purely theoretical aspects of political science.

Woodrow Wilson once said, in speaking of sovereignty, that "no man who cares a whit about his standing among students of law or politics can afford to approach it lightly." This implied warning to students of political science not to commit themselves, without due deliberation, to a theory of sovereignty did not embarrass Dr. Merriam, since nowhere in his monograph does he propose to take an independent stand on the problems of political philosophy—least of all, on the problem of sovereignty. Nowhere does he criticise or expound the theories since Rousseau, with a view to arriving at a solution of the important but vexing problem of sovereignty. Nowhere does he attempt to indicate the true doctrine. His is rather the task of the annalist, the recorder, the illustrator, the historian. The product of his work is "a historical study" in which it is deemed "sufficient to indicate the various ways in which the subject of sovereignty is approached, and to emphasize the importance of knowing the path that is followed by each school of theorists." Dr. Merriam is content with presenting "illustrations of the various concepts of sovereignty, and their frequent confusion." "The dogmatist," he says, "should show which is the proper point of view."

In the quotations just given is disclosed a weak point in the monograph. For history without interpretation is meaningless. And is it not true that before one is able to discuss to advantage the theories of others, one must himself have taken an independent stand on the problems under consideration? Nor is he who takes such a stand and asserts that *this* or *that* is the proper view necessarily a "dogmatist." For even in this "inductive age" one may philosophize without dogmatism.

Dr. Merriam introduces his study of the history of the theory of sovereignty since Rousseau with a brief sketch of the theory prior to the period that is especially considered. The classical basis of the

theory of sovereignty is found in Aristotle's Politics. The Roman concept is expressed in the sentence, "The will of the prince has the force of law, since the people have transferred to him all their right and power." While the ruling theory of the Middle Ages is summed up as "government based on the consent of the governed." Bodin was the first to treat the subject systematically. Then came Althusius, Hobbes, Puffendorf, Locke, and Rousseau.

General characteristics of the theories of sovereignty leading up to and including the philosophy of Rousseau are: First the individualistic—contractualistic tendency; second, a movement towards the absolutist conception of sovereignty; and third, a failure to recognize "the unity and personality of state."

The period since Rousseau is viewed by the author as a period of reaction against the Revolutionary doctrine of popular sovereignty. The first attack was made by the so-called historical school. Kant and his school opposed the Revolutionary theory. Hegel represented the opposition from a different standpoint. The theory of Divine Right was fostered. The patrimonial theory was revived. The several lines of assault all seem "to converge at one point, namely, the proposition that the state was the result of a contract deliberately made by individuals." The theory of popular sovereignty was generally denied.

The later chapters of the monograph deal with "Popular and State Sovereignty," "The Austinian Theory," "Sovereignty and the American Union," and "Federalism and Continental Theory."

BENJ. F. SHAMBAUGH.

The State University of Iowa.

The City for the People. By Professor FRANK PARSONS. Pp. 597.

Paper, 50 cents. Published by Dr. C. F. Taylor, 1520 Chestnut street, Philadelphia, 1900.

According to the publisher, Dr. Taylor, this valuable work grew out of the desire to present what legal rights the cities of the various states of this country enjoyed in the ownership and operation of public utilities.

In the third chapter of the book, embracing eighty pages, and in an appendix of nearly twenty pages more, is given the best summary extant on this subject. If any one desires to learn the rights of cities in California, Washington, Minnesota or Missouri to draw up their own charters and determine the powers of the city government, or if one desires to know the use that San Francisco and other cities have made of these powers, or what places in other parts of the country enjoy the right to own and operate street railways or gas works or

telephones, etc., and whether the state law permits them to sell to private consumers or to operate only for direct municipal uses, these chapters furnish the information, supplemented, as is all the book, by an unusually full index.

Another chapter, still longer than the one just considered, gives a similarly exhaustive treatment of the progress of the direct legislation movement. There appears to be a tendency to minimize the value of proportional representation and civil service reform and to overlook to some extent the fact that the initiative and referendum are more valuable as a check upon corruption and as an education of the people than as a direct producer of progressive measures. But these suggestions are not intended in any way to detract from the value of the information and discussions in this volume.

The first half of the book contains the fullest presentation of the reasons for municipal ownership and operation of public utilities or monopolies that has appeared. This part of the treatment is frankly acknowledged to be based, in some measure, so far as the facts, but not the interesting method of treatment, are concerned, upon "Municipal Monopolies," published by Crowell a year ago, to which Professor Parsons contributed chapters.

Although myself a pronounced believer in the gradual extension of the policy here urged, I could wish that there were a fuller discussion of the really strong arguments that are often presented for the opposite policy, and a fuller admission of the dangers to be avoided in municipal activities, such as the spoils system, unprogressiveness and popular opposition to labor-saving machinery. These are dangers which seem to have been very largely overcome in Great Britain, in the smaller cities of this country, and indeed in some of the larger ones, but they are still a serious handicap to many American plants.

Professor Parsons is exceedingly painstaking, accurate and honest in his attempt to secure reliable data. In some of the larger phases of the subject, however, certain points are omitted, which in all fairness should be stated, and which Professor Parsons would be one of the first to acknowledge if his attention were called to them. For example, on page 129 there are given, in parallel columns, the price paid private companies for street arcs in ten American cities before the beginning of public ownership and the cost in the same cities afterward, including in cost, interest, depreciation, insurance, taxes, etc.; but it is not stated that part of the enormous difference, frequently amounting to over \$100 an arc light per year, was due to the fact that under private ownership the prices paid were for a very few lights, in a contract made some years before, in the infancy of the electric industry—contracts which were often just expiring—and that in most

cases at least much lower prices than previously charged were offered for a renewal of the contract. In probably every case in that table the people are convinced that the change to public ownership was advantageous, but the amount of financial saving per arc light was hardly as great as the figures, doubtless entirely accurate in themselves, would indicate. Likewise on page 147, it is very truly observed that one advantage of public ownership is the tendency to increase the number of consumers of water, gas, etc. In a table, however, which Professor Parsons presents showing that twenty private water works have an average consumption of about one hundred gallons per day per capita, and the same number of public plants in cities of about the same size, have nearly 80 per cent more than this, the point is missed that all water works engineers agree that sixty to eighty gallons a day per individual is ample, and that the rest is probably waste, because of leaky mains and services, and lack of meters. What is needed is rather a table showing how the total number of consumers bears a greater proportion to the population in cities having public works than in those possessed of private plants.

The work on the whole, however, is a mine of information to those writing or discussing the subjects treated, and will have a great influence in increasing the fast rising tendency to adopt the lines of policy urged by the writer.

Indeed, the few criticisms just given were the only ones that suggested themselves in the course of a somewhat careful examination of the book, while the great number of admirable chapters and discussions can only be referred to in a brief review.

EDWARD W. BEMIS.

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The Races of Europe: A Sociological Study. (Lowell Institute Lectures.) By WILLIAM Z. RIPLEY, Ph. D. Accompanied by a Supplementary Bibliography of the Anthropology and Ethnology of Europe, published by the Public Library of the City of Boston. Pp. xxxii, 624; x, 160. Price, \$6.00. New York: D. Appleton & Co., 1899.

The Races of Man: An Outline of Anthropology and Ethnography. By J. DENIKER, Sc. D. With 176 illustrations and two maps. Pp. xxiii, 611. Price, 6s. London: Walter Scott, Ltd., 1900.

Both of these books indicate a new tendency in the use of anthropological and ethnographical data, and possibly also in the methods of work in these departments of knowledge. The new tendency consists in presenting this material chiefly under sociological categories

and with a view to indicating its sociological significance. Neither of the works under review professes to present original material or to have enlarged the scope of the respective subjects treated, but rather to have sifted and collected in convenient form the result of the latest researches in these fields. This claim on the part of both Professor Ripley and Dr. Deniker is entirely too modest, since both works teem with suggestions which should prove of the greatest possible value to the original worker.

Professor Ripley's volumes have deservedly received a large measure of praise both at home and abroad. Their attractiveness in typographical aspects alone, combined with the pleasing style in which they are written, enlarges considerably the circle of readers to whom such studies usually appeal. The significance of Dr. Ripley's work for students of the social sciences is well brought out in the first two chapters, containing the introduction and a discussion of language, nationality and race, and in the three concluding chapters on (1) Social Problems: Environment *versus* Race, (2) Social Problems: Ethnic Stratification and Urban Selection, and (3) Acclimatization: The Geographical Features of the European Race. In these chapters one finds the meat of the whole volume, admirably placed in juxtaposition to the chief results of studies allied to those of race traits.

Dr. Ripley's theories start from the point of view of the new geography which he regards as a branch of economics, having a direct bearing upon history and sociology, and comprising the study of physical environment in its influence upon man. The distinction he draws between the social and physical environment, which amounts to drawing a line between the indirect and direct influence of environment, enables him to avoid some points of controversy and to reconcile others in the dispute between those who interpret any civilization solely in terms of race, and those who consider that race counts for nothing. In so many cases the absence of definite proof or of evidence to which appeal can be made, leaves a choice between these diverging paths to the personal bias of the investigator. It is the chief service of Dr. Ripley's book that it has brought so many of these debatable questions concerning racial and environmental influences within the scope of scientific classification, and subjected them to positive tests. This fact is especially noticeable in his consistent endeavor to adhere to a geographical basis of distribution in the classification of the races of Europe, where so much crossing has taken place that language, customs and all the traditional ear-marks are most misleading signs of race origins. The discussion which points out that community of language should not be confused with identity of race, *i. e.* that nationality may often follow linguistic boundaries, though race bears no necessary relation whatever to them, is a most illuminating one.

Professor Ripley's discussion of the growth in urban population shows very clearly that this is due almost solely to economic and industrial causes; not peculiar to the United States, but equally characteristic of changes of population in Europe, where the same industrial forces operate. The significance therefore of recent French theories emphasizing that the dolicho-cephalic type is necessarily impelled to city life and of the Hansen classification of the three vitality classes and the consequent predominating influences of country life are given less weight than is usual in the discussion of these topics. From the testimony submitted by Dr. Ripley it is shown that the tendency of urban populations is certainly not toward the pure blond, long-headed and tall Teutonic type. Urban selection is something more complex than a mere migration of a single racial element in the population towards the city. There is a process of physiological and social selection that must be taken into account.

The conclusions to which Professor Ripley's very complete discussion of the material relating to acclimatization leads do not promise immediately satisfactory results, if, indeed, they promise any ultimate success in the attempts of the white man to colonize the tropics. Acclimatization may be a failure and yet the problem be solved through changes bringing about such improved conditions of public hygiene that the white man can live in the tropics.

In the body of the book the present demography of Europe is studied and the inhabitants presenting the most diverse racial aspects classified as to their origin and descent under the heads of the three European races, the Teutonic race, the Alpine race and the Mediterranean race. In the main this classification agrees with that of leading ethnologists, although it differs radically from that adopted by Deniker, who raises a great many sub-groups to the rank of independent races. Ripley, in one of his appendices has given good reasons to show that the difference between his method and that of Deniker is not a vital one. Of the physical traits which Professor Ripley relies upon as evidence of racial type, probably too much stress is laid upon measurements of the cranium, although in his discussions of the value of physical traits and their relative importance, Dr. Ripley is extremely fair.

Not only has Dr. Ripley laid all English readers under a debt of deep gratitude for the clearness with which he has presented the complex facts of one of the difficult departments of scientific inquiry, but he has greatly increased the obligation by the preparation of a bibliography, which will prove a guide to all students for a long time to come. It is worth while noting in this connection that the bibliography can be obtained separately in the list of publications issued by

the Boston Public Library. The public spirit of the Boston Public Library, which made possible the compilation of this bibliography, and its wider circulation as a library document in addition to the part which it plays as a companion volume to Dr. Ripley's book, deserves praise.

Dr. Deniker's task in his outline of Anthropology and Ethnography is well executed and his book is likely to give much more definiteness to the general reading and study of this subject on the part of those who do not intend to make it a specialty. After a brief discussion of ethnic groups and zoölogical species, we have two chapters given to the Somatic characters, special attention being paid to the distinctive morphological characters, stature, teguments, pigmentation, cranium, proportion of the body and various organs; then two chapters to physiological and ethnic characters, respectively, giving chiefly under the term "ethnic," linguistic characters; three chapters, covering about one hundred and fifty pages, devoted to sociological characters, in which is discussed: (1) Material Life (alimentation, habitation, clothing, means of existence); (2) Psychic Life (games, recreations, fine arts, religion, myths and science); (3) Family Life (sexual relations and child sociology); (4) Social Life (home life, social organization, international organization, war and commerce).

The remainder of the volume, covering six chapters, is given up to a discussion of the classification of races and a description of the peoples of Europe, Asia, Africa, America and Oceanica. Deniker's classification is really based upon the description of existing varieties rather than upon a consideration of the problem of grouping these varieties into a few racial categories. On this point Professor Ripley's Appendix D (page 597) on Deniker's classification of the races of Europe is worthy of note and what he there says will apply with almost equal force to his classification elsewhere. Deniker's work might have been made even more useful by some condensation. Especially would this have been possible in the earlier chapters on Morphological and Physiological Characters. The detail into which he goes is rather confusing to the class of readers for whom he is writing.

SAMUEL McCUNE LINDSAY.

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China, the Long-Lived Empire. By Miss E. R. SCIDMORE. Pp. xv, 459. Price, \$2.50. New York: The Century Company, 1900.

Village Life in China: A Study in Sociology. By ARTHUR H. SMITH, D. D. Pp. 360. Price, \$2.00. New York: Fleming H. Revell Company.

Overland to China. By ARCHIBALD R. COLQUHOUN. Pp. xii, 465. Price, \$3.00. New York: Harpers & Bros., 1900.

The dramatic and mysterious course of events in China during the last few months has naturally excited tremendous popular interest in the "sleeping giant of the East" and evoked from the publishers a flood of literature on all phases of the Chinese question. Until within the last two years most of us have known and cared very little about China. The so-called "yellow peril" has seemed remote. Our concern with the Orient has been one mainly of markets, and has not led to any close study of the life of the people or of their political condition and prospects. Many intelligent readers, therefore, are for the first time opening books upon China, and are looking especially after reliable information concerning the remarkable eruption which the newspapers have declared to be the signal for the dismemberment and partition of that great empire. Such readers must be warned that no one book will tell them all they want to know. In fact, if they begin with the new books now coming from the press and read them all, they will probably feel that they have taken hold of a hopeless subject. Men might as well try to learn something about color by watching the whirl of a kaleidoscope as to expect to get an understanding of China by reading the books that have been published this year. The subject is itself so vast, the institutions are so unlike anything which the occidental reader is familiar with, the Chinese point of view is so incomprehensible and apparently contradictory and irrational, the motives, the ideals, the morals, the religion, the instincts of the people are so at variance with our own ideas of what is natural in those fields, that few readers have the impartial patience necessary to get all around the subject. They either seize upon a few characteristics of the people, thinking that in these they have a clue to the whole, or they give up in despair, feeling that the Chinese question is a sort of "13-14" puzzle, and that the earth would be mightily benefited if those 400,000,000 unspeakable barbarians could only be put in one bag and dropped in the middle of the Pacific. The wise reader will go a little back of the present in his search for literature. He will read Dr. Williams' "The Middle Kingdom," Arthur Smith's "Chinese Characteristics," and the books by Wilson, Curzon and Colquhoun. Then he will find that many of the books now appearing are not worth a moment's time, and the few good ones just published will really mean something to him.

The most interesting of recent books on China, and the one which will probably prove most satisfactory as a first book on China, is Miss E. R. Scidmore's "China, the Long-Lived Empire." Miss Scidmore has made seven different journeys through China and seems to have

seen everything that a woman can see. Being a woman, she is closely observant of hundreds of little things which escape the male observer; being also a well-informed and much-traveled woman, well read in the literature of the East, she has written a book full of life and color, and at the same time not lacking in sensible generalizations. She does not profess to give us a complete and satisfactory account of the Chinese Empire and its people. In fact, she expressly avows her inability to do that. That "oil skinned mystery," the Chinaman, is a conundrum which she has given up. She admits that she understood him less on her seventh visit than she did on her first, and does not know whether he is a boneless or a sleeping giant. Her book will certainly not inspire any passion for travel in China. "The mere tourist," she says, "the traveler without an errand or object beyond entertainment, finds that inner China does not entertain, amuse, please or soothe him enough to balance the discomforts. Nothing Chinese seems worth seeing; one has only a frantic, irrational desire to get away from it, to escape it, to return to civilization, decency, cleanliness, quiet and order." Miss Scidmore, however, had an errand and she stuck manfully to it. She paid a visit to all the important provinces, talked with various classes of the people, and everywhere insisted on seeing everything which a generous distribution of bank notes would render visible. Her book was evidently written before the recent outbreak, and is perhaps all the more trustworthy on that account. It contains descriptions of the cities the names of which newspapers have made familiar to the public in the last few months, reviews vividly the astonishing career of the Empress Dowager, describes the work of the missionaries in China, and gives many interesting glimpses of the occupations and manners of the people. The now infamous Prince Tuan is referred to as a rabid anti-foreign conservative and leader of the secret societies opposed to foreigners and western progress. The word "Boxer" does not occur in the book; yet the reader will feel that he has a much clearer idea of the motives and purposes of that bloodthirsty order than he has been able to get from the newspapers. The book is profusely illustrated, the author having made bold and diligent use of a camera. The illustrations are fresh and original. They picture just the things which a bright woman would either admire or laugh at, and add greatly to the charm of the book.

Dr. Smith's "Village Life in China" deserves the highest praise. In it he is at work on the same study that engaged him in his excellent "Chinese Characteristics." He does not attempt to solve the Chinese question or to predict the future course of development, but gives the reader a clear and most interesting description of the whole

life and occupations of the masses of the people. The economic future of China does not depend on its resources, but on its civilization. Is the Chinaman improvable, can he be developed into a large consumer? Can he be organized into armies of labor? Can the myriads of China be made to do their full share in the world's work? Can they be brought to accept western invention? Will they ever overtake the swift chariot of western progress? While these questions are not answered by the author, he gives most of the materials for their solution. He has crowded into this book a prodigious mass of highly suggestive and detailed information concerning the daily life of the people among whom for twenty-two years he worked as a missionary. In his vivid pages we see the Chinese village, the Chinese farm, the Chinese temple, the Chinese system of education, the homes, roads, fairs, theatres, weddings and funerals of China. In short, we get a look at the real Chinaman. We understand the strength of the iron bands of conservatism which bind the Chinese present to the remote past. We learn the causes of the tremendous pressure of population which has turned the country into a vast kitchen garden. We are able to explain the utter lack of public spirit, the cruel individualism to which charity and sympathy are unknown. Above all other things, we learn the difficulty of regenerating China, and we learn, on the other hand, the strength of China when once regenerated. I am disposed to go even farther than qualified praise would permit, and echo the comment of the critic which says of this book: "There is all the difference between an intaglio in onyx and a pencil scrawl on paper to be discovered between Mr. Smith's book and the printed prattle of the average globe-trotter. Our author's work has been done, as it were, with a chisel and an emery wheel. He goes deeply beneath the surface." "Village Life in China" cannot be too highly recommended. The answer to the "Chinese Question" lies behind its pages.

Mr. Colquhoun's "Overland to China" gives us a look at the Empire from another point of view. Miss Scidmore pictures all that the experienced tourist can discover; Dr. Smith furnishes data for the sociologist and student of racial traits; Mr. Colquhoun writes for the man of affairs, both public and commercial. The title is really not altogether appropriate. It might well have been named "The Russian Bear in the Orient with Pointers to the British Lion." The first half of the book is descriptive of Siberia and the Siberian railway. Mr. Colquhoun is convinced that Russia is destined to absorb the Chinese Empire, and apparently believes that it will succeed in its purpose without any great cost to itself and with only feeble protest on the part of the rest of the world. "While the sentimentalists in

Britain and the United States," the author says, "have scarcely dried their tears of Christian joy over Russia's magnanimous and self-imposed mission of peace maker to the world, Russia's statesmen are busy on the task of stirring up a world-wide coalition against England, the tyrant." In the other half of his book the author describes the people and resources of Manchuria, Eastern Mongolia, the Yang tsze Valley, Southwest China, and Tong King. The hostility to foreigners, Mr. Colquhoun attributes to the policy of the Manchus. They themselves are foreigners, and yet are the rulers of the people. It would appear that the real Chinaman hates a Manchu quite as much as he does a European, and the Manchu himself has no real love for a Chinaman. Furthermore, the Manchus, being fearful of results should western civilization get a foothold in China, have deliberately sought to prejudice the people against the western world, and so have indirectly stimulated a passion which may result finally in their own overthrow, for to the Chinaman all outsiders are foreign devils. It will surprise many Americans to learn that in Mr. Colquhoun's opinion the United States occupies a much better position in China than Great Britain. Lombard street may furnish the money for Chinese railways, but the profits of construction and operation are going to New York. He criticises severely Great Britain's abandonment of the initiative in China, and her failure to get definite concessions and treaty rights, in place of vague spheres of influence to be maintained only by force. The reader will find this book and "China in Transformation," by the same author, an enlightening introduction to the political and economic phases of the Eastern question.

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Exercises in Economics. By W. G. LANGWORTHY TAYLOR. Pp. 120. Lincoln, Nebraska: The University Publishing Co., 1900.

The injunction on the title page, "Write Your Own Political Economy," indicates the purpose of the work. The book is not intended to be placed in the hands of students; it is to be used by the teacher to aid him in leading each student to develop the subject for himself. After each chapter are several essay topics to be assigned to students and a list of suggestive questions which appeal to the student's experience. A list of standard reference books is given with each topic, but the author advises that "it is better in all cases of doubt, that recourse to text writers be discouraged, and that only in exceptional cases of strong and advanced minds in whom the critical faculty has some development such reference be permitted." The method is

essentially one of self-instruction. The author believes that its chief merit will lie in the fact that students may be discouraged from making final conclusions, and that they may see that they are just beginning "the study of a large and ever-widening subject." The work is intended for colleges, high schools and independent students.

In the introduction the author traces the development of Economic Science, and shows its relations to other branches of knowledge, particularly history. He shows that at present there is a strong demand for economic instruction, and from the point of view of "maturity and completeness," economics does not need to give way to other sciences. The problem of most importance is considered to be the method of instruction. Professor Taylor does not believe that economics as presented by Mill and other standard writers can be taught successfully to students below college juniors, unless the teacher is well trained in economics. The greatest harm, however, which the author sees in the use of such books as Mill's, comes from the giving of fixed conclusions. The author's method therefore not only aims to make the subject more intelligible, but to prevent fixed conclusions. This is done by teaching the subject inductively. The student's experience and his observations, to which he is stimulated by suggestive questions, should furnish the body of knowledge which is to constitute his Political Economy. In the creation of an investigative spirit, lies the great value of the method.

The author appreciates the danger of economic instruction given by teachers unfamiliar with the subject. To such teachers he recommends as a substitute in the high schools, economic history. In such cases he thinks it may be taught as a preparation for the study of political economy in the university, and as a good substitute for political economy for students who will never go to the university.

With respect to points of view, the book is divided in two parts. In the first, the public point of view is treated negatively, while the positive interests are those of persons and classes. In the second part, the public point of view is considered positively in the treatment of general prosperity. The following subjects are considered in the first part: Fluctuating Prices, Steady Prices, Profits, Wages and Speculation; in the second part, are discussed Industry, Industrial Centres, Luxury, and Capital.

In discussing wages, the author divides producers into (1) those identified with changes which increase production, and (2) the followers of antiquated methods. While the income which goes to the non-progressive classes is not so passive as rent, it is more passive than profits, because it corresponds more nearly to animal than to psychic activities. Laborers calculate somewhat in shifting their

employments and in moving from place to place. Professor Taylor thinks that the development of capitalistic industry tends to give the wage-earner greater freedom by decreasing the rigor of specialization. The demand is growing more and more in favor of "trustworthiness" as against skill. Then, too, education makes the laborer more flexible.

The chapter on speculation is a discussion of the legitimacy of risk. The author argues that an institution must be judged from the time point of view. What is normal is right, but what is abnormal is not necessarily bad, because the abnormal in one epoch often becomes the normal in the succeeding epoch. All classes of business are on a speculative basis, and so the "test of legitimacy is not uncertainty but robbery." Speculation at the expense of others is illegitimate. As markets become larger, market prices become more important, the rates of wages and profits tend to become more uniform, and speculation becomes a less dominant factor. In the chapter on industry, the author continues his investigation into the legitimacy of economic methods based upon the facts which economic history reveals. When the serious business of life was war and economic conditions were subordinate to the political, kings and princes were identified with great economic projects. After the transition from a warrior to an industrial state, the old methods were still applied. Piracy went hand in hand with commerce, and kings contributed to buccaneering industry. These methods were then legitimate. Great risks were involved in nearly all investments. State interference was the best means of aiding enterprise, and consequently companies were formed with duties and privileges definitely defined, and monopoly of trade and enterprise prevailed almost everywhere. Modern industrial processes and inventions made possible quicker communication, wider markets, and a greater variety of products, while opportunities for the development of individual initiative were given which led to the freedom of industry from state interference. Decrease in business risks has accompanied a decline in state interference, and wide speculation and chartered trading companies have disappeared.

The psychical nature of Economic Science is well illustrated by showing why countries in the temperate zones are richer than tropical countries. The statement frequently made that anything is wealth "which saves to men trouble, exertion and fatigue" needs to be qualified. *Appreciation* is an essential condition. The gratuitous satisfaction of wants has no influence in stimulating effort to supply other wants. Man does not become richer unless he applies the effort saved to supplying other wants.

The dominant feature of the book is the method of instruction which it presents. While a number of works have been written

recently with the purpose of placing the teaching of economics on an inductive basis, none have gone so far in this direction as "Exercises in Economics." Professor Taylor has doubtless outlined the course of development which must take place in the teaching of economics not only in the secondary schools, but also in the more elementary classes in the university. Nor is there any reason why a science like economics, the facts of which are within the experience of every one, cannot be taught inductively. While the subject-matter of the book is subsidiary to the method, the contents of the book shows that the author is fully in sympathy with the latest development in economic theory. He believes that economics is fundamental to other social sciences; its relation to other branches of knowledge should therefore be definitely shown. The book is full of helpful suggestions both in theory and in method.

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Lohnpolitik und Lohntheorie, mit besonderer Berücksichtigung des Minimallohnes. By DR. OTTO VON ZWIEDENECK-SÜDENHORST.

Pp. xiv, 410. Price, 9 *mk.* Leipzig: Duncker & Humblot, 1900.

Problems in distribution are receiving special attention from economists to-day, and the interest therein in Germany is as strong as it is in this country. The book under review is a typical German monograph, which traces a single idea, that of wage regulation, through history and theory. It is, however, a plea rather than a mere presentation. About half the book is devoted to a discussion and criticism of the various wage theories, while the remainder is equally divided between a description of the practical attempts at wage regulation in various countries and a plea for further state action. The author begins by defining his position briefly. Wages are not determined by the law of supply and demand, which at most can explain only the fluctuations, nor by the cost of living, but by custom. It would seem from this that Dr. Zwiedeneck-Südenhorst has in mind German conditions, and especially those which characterize agricultural communities. Yet he draws all his facts and illustrations from the cities, and largely from English practice, and expressly rules agricultural wages out of the discussion.

The development of governmental policies is next traced in outline from the Diocletian Edict of 301. During the period of the "*geschlossene Hauswirtschaft*," when production was confined to the home, there was no wage, and hence no necessity for regulating wages. With the growing independence of industrial labor came

conflicts of interests, and with these the regulation of prices and wages by positive enactment. The peculiar characteristic of all the early ordinances lay in establishing a maximum limit beyond which wages might not go. Such a policy prevailed until well into the eighteenth century. Not until then was the right of the individual to a worthy existence emphasized or were the workers aroused to a consciousness of their rights. It was reserved to the nineteenth century, however, to see the interests of the working classes fully recognized and conserved.

The movement, thus briefly outlined, is traced in detail in the industrial history of Germany and England, for which latter the author has depended largely on Ashley, Cunningham and Webb. He then takes up in turn the various wage theories, and inquires into their teaching in reference to wage regulation. This is found to differ considerably in the individualistic, the catholic-social, the socialistic, and the ethico-social schools, into which he groups the various writers. Under the last he considers von Thünen and Rodbertus, the latter's views, with their insistence on ideal justice and recognition of the solidarity of the interests of society and of the working classes, meeting with the author's warm approval. But through all the theories there runs a common note—the recognition of the ethical justness of the wage-earners' claims. In this theoretical part of the essay the characterization of the catholic writers and their attitude toward the wage question is the best and the most original portion of the book.

After a detailed account of the actual development and status of wage policy in England, especially the methods of the trades unions, and a shorter description of the regulations in other countries—two pages being given to the United States—the author turns to a consideration of the best methods of state regulation of wages. He first establishes the need of such regulation by a series of arguments which we may reduce to the following somewhat elliptical syllogism: Freedom of contract is at the basis of our present system of distribution; wages as they exist to-day are undoubtedly too low; therefore, this method must be corrected and a living wage secured for the workingman by means of state interference. The only really vital question is, how can this best be done.

Such methods as profit-sharing, a sliding scale, etc., are dismissed by the author as insufficient and of limited application only. In general a larger share in industry may be secured to the worker either through the intervention of the state, by direct employment or by law; or, without such intervention, through the collective bargaining of the two parties, or less frequently through the voluntary recognition of the laborers' claims by the employer. If possible, wages should be

fixed by means of collective bargaining, but a bargain so made should be enforced by law. When this method is not followed then a minimum wage should be adopted, which may be based on a fair prevailing rate or the rate recognized by the trades unions. Such a minimum need not be uniform for a large district, indeed should not be, but should recognize geographical and other differences. The objections to such a system are finally noted, but dismissed as irrelevant or insufficient.

Probably Dr. Zwiedeneck-Südenhorst has made out as strong a case as is possible for his position, but many readers will be inclined to deny his premises, and many more his conclusions. Where his arguments are drawn from history, the feeling is strong that he has so interpreted the facts as to substantiate his theory. In the main, however, the basis of the claim is ethical; the *right* of the laborer to a larger share in the social income is assumed almost without argument, and the greater part of the book is devoted to the question how this may be secured for him. The reliance upon legislation to secure the desired end is doubtless characteristic of the German attitude toward social and industrial questions, but does not commend itself in the same degree to American students. Then, too, however pessimistic one may be with regard to our economic history in the past, certain recent tendencies may justify us in being somewhat more optimistic with regard to the future. The increasing resort to "collective bargaining," even on a national scale (as in the metal trades) and a growing feeling of responsibility on the part of the employers (evidenced even in the recent coal strike), seem to indicate that a resort to such drastic measures as Dr. Zwiedeneck-Südenhorst proposes is as needless as undesirable. The book is valuable, however, as being the fairest and most complete presentation of this question which we have had.

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NOTES.

I. MUNICIPAL GOVERNMENT.

AMERICAN CITIES.

Brooklyn.—*Amalgamation.*¹ The experience of Brooklyn with amalgamation has, in the main, been satisfactory. The community insisted on uniformity of assessments and taxation throughout the consolidated city, before it would consent to surrender its autonomy. A provision was accordingly put in the charter of the enlarged city, requiring that there should be a uniform rate of taxation throughout the new municipality. The tax laws already provided that all assessments throughout the state should be made on a uniform basis, but the charter gave to the people here a remedy for unequal assessments, in that it permitted them to seek a review of the proceedings of the assessors in the courts. Lower tax bills were promised to dwellers in Brooklyn and the bills have been lower there, while in Manhattan and the Bronx, or in the old city of New York they have been higher. The equalization of assessments involved a raising of Manhattan valuations, and the levying of the tax uniformly on the whole city distributed the burden of taxation more equitably than had been possible when the old city of New York profited exclusively by the taxes on the great wealth concentrated on Manhattan Island. In spite of the fact that the cost of government in the consolidated city is larger than the total cost of government in the independent municipalities composing it, Brooklyn has to pay less for government than when she was independent.

But aside from taxation the experiment of consolidation has not been immediately successful for Brooklyn. What it will be in the future it is useless to prophesy. The local interests of the borough have suffered. No plans for new school houses have been made, and few, if any, sites for new buildings have been bought. Some school-buildings that were planned or begun before consolidation have been completed, but the new officials have either not planned any new work or have not succeeded in getting money appropriated for doing that which they have planned. The same conditions prevail in the street department, in the department of sewers and in the water department. Practically all improvements have been at a standstill. This situation has been produced partly by the practical and unavoidable difficulties in the way of fitting the new government to the

¹ Contributed by F. H. Gunnison, Esq.

enlarged city, and partly by the complicated machinery provided for the doing of business. The charter methods are so cumbersome that it takes a long time to accomplish anything, and emergency work has had to be abandoned almost entirely, for it is so long before it can be done that by the time the proper authority to do it has been secured, the emergency has passed.

Everyone admits that some change should be made in the charter, looking to the removal of these defects. There are two parties of charter revisionists, one party holding that reform can be secured best by the concentration of power in the heads of the various departments of the city government and in the practical destruction of what independence the boroughs now have. The other party demands decentralization and an increase in the autonomy of the boroughs. Indeed, there are some people who advocate that the boroughs should raise within their own boundaries the money which is spent there, and spend it to suit themselves. This means, of course, the practical repeal of consolidation. It is not known just what will be done, but a commission appointed by Governor Roosevelt to consider the subject is at work on a revision of the charter. It will make its report to the legislature, which meets in January. It is not probable that the report will be published until the legislature sees it. The fate of the recommendations of the commission, whatever they may be, will depend largely upon the exigencies of politics, which cannot be foreseen at this time.

St. Louis.—*Amalgamation.*¹ The city of St. Louis, with a need of at least ten million dollars for public improvements, finds itself facing a deficit estimated at a million dollars. The municipality has already contracted a bonded debt up to the constitutional limit, and has levied the maximum revenue rate, which is double what it is in the state at large. No apparent source of immediate relief is therefore open to it. This grave condition of affairs may be said to be largely due to injudicious amalgamation. The present scheme and charter, adopted in 1876, was planned apparently in contemplation of a compact population. Such is the inference that must be drawn from the limits which were placed upon the rate of taxation and upon the ability of the city to contract indebtedness. At the same time, however, the limits of the city were extended so as to include practically the whole of the suburban population on the west side of the Mississippi, while the county organization within the territorial limits of the city was abolished and the burden of maintaining what are properly county institutions was thrown upon the municipality without the possibility of levying a corresponding county tax.

¹ Contributed by Professor R. F. Hoxie, St. Louis.

While the outlying urban units were unimportant in size and wealth the grave possibilities of this wholesale amalgamation without adequate charter modifications did not at once develop so as to attract serious attention. Of late, however, owing to improvements in rapid transit and as a result of the change of St. Louis from an essentially river town to a railroad centre, the suburbs, especially to the west which were widely separated from the old city, have grown with remarkable rapidity. The resulting increased demands for water mains and sewers, for paving, lighting and police protection, have been altogether out of proportion to the increase of taxable wealth. This would have been true had the growth of the outlying districts been due altogether to additions to the population of the city, but the proportion of expense to taxable wealth has been greatly increased by the fact that this suburban growth has been, to a large extent, due to migration of wealthy residents. This has left a middle zone, in which public improvements have already been made and which requires adequate lighting and police protection, with decreased taxable value. The remedy for the existing state of affairs seems to be in a reorganization of the present charter or the adoption of a new charter which shall recognize the needs of a widely scattered municipal population. No increase in the tax rate which may be legally levied will suffice, since a great part of the need is for immediate improvements of a relatively permanent character. The ability to increase the bonded indebtedness for these improvements seems to be a prime necessity in order that the burden may fall to a great extent on those who will benefit from the improvements in the future. The situation is calling forth much discussion locally, owing to the special urgency of city needs in view of the proposed world's fair in 1903.

Civil Service, 1899-1900.¹—In New York State, where the civil service rules apply to each of the forty-five cities many improvements have been brought about through the operation of the law, enacted April 14, 1899. During the period from that date to the following Autumn the New York City rules were amended to conform to the new system. The amendments consisted, for the most part, in reductions in the numbers of positions exempt from examination, and in changes designed to do away with opportunities for evasions. The new rules were promulgated by the state board, acting after Mayor Van Wyck's failure to act, on July 11, 1899. Although a great advance on the rules they superseded, they have since been further amended in many important respects, and now present a far more substantial barrier to the use of city patronage for the benefit of Tammany Hall than Tammany has ever had to confront

¹ Contributed by Hon. C. R. Woodruff, Philadelphia.

before. The Civil Service Reform Association has won a number of important suits, designed to test disputed points in the new system.

The State Civil Service Commission, which has enlarged powers under the new act, including an effective supervision of the operation of the rules in cities, has recently appointed an inspector to visit the various cities periodically and report on existing conditions. This officer has already discovered a bad state of affairs in the city of Syracuse, and a formal investigation, resulting in the displacement of the local commission followed. With the exception of a few of the small cities, however, all others seem to be obeying the law in a satisfactory manner.

Massachusetts.—Several bills were introduced at the last session of the legislature designed to weaken the system in cities, especially in Boston; but all were either defeated or vetoed by the governor.

Chicago.—The backward tendency of civil service reform in Chicago has been arrested by the reorganization of the city commission and the appointment of Colonel John W. Ela, late president of the Chicago Civil Service Reform League, as a member. Since Colonel Ela's installation many improvements have been effected, particularly with regard to the system of promotions. The situation has been much improved, moreover, by a decision of the Supreme Court of Cook County, by which several injurious rulings of the old commission were set aside, and as the results of which the letter of the law must, in future, be adhered to strictly.

Baltimore.—Civil service rules have been introduced in the fire and police departments of Baltimore, in the one case under authority given by the new charter, and in the other under a special act. Competent boards of examiners have been appointed for each. The usefulness of the rules for the police department is somewhat marred, however, by a construction of the corporation counsel, based on an error in the language of the act, to the effect that appointments may be made from any part of the eligible lists. This construction, it is understood, will be disputed by the Baltimore Reform League and the local Civil Service Reform Association.

New Orleans.—The system in New Orleans established by the present charter, has been virtually destroyed by an act passed by the last legislature. The Civil Service Reform League, organized during the legislative campaign, will be continued. Under its auspices, the constitutionality of the modifying act is being tested in the courts.

San Francisco.—The civil service system was established in San Francisco, on January 1, 1900, when the new charter went into operation. It applies practically to all departments, is modeled on the best features of the systems in force in other cities, and is adminis-

tered by a commission composed of known friends of the merit system, appointed by a well-disposed mayor. It may be recalled that the election through which the charter was adopted by popular vote turned principally on the issue of civil service reform.

Columbus.—Rules have been established for Columbus, under an act of the Ohio Legislature, requiring their application to the departments of public safety and public improvements, in "cities of the first grade of the second class," and *permitting* their extension, on authorization of the common council, to all other departments and officers of such cities. The commission appointed for Columbus has drafted and promulgated an excellent set of rules and secured authority for their extension, practically, to the entire city service.

Chicago.—*Drainage Canal Litigation.*¹ An event of tremendous significance to Chicago was the opening of its great drainage canal on January 17, 1900. Lake Michigan is now joined to the Gulf, and the flow of its pure waters, passing through the new canal and into the Illinois and Mississippi Rivers, receives and carries off the immense mass of Chicago sewage. As had been anticipated, the opening of the canal gave rise to litigation, which, if not of serious import to the future of the canal, is of great general interest.

The most important case is that of the State of Missouri, complainant, *vs.* State of Illinois and Sanitary District of Chicago, defendants. This is an original proceeding, instituted in the Supreme Court of the United States, to enjoin the drainage trustees from allowing the sewage of Chicago to be discharged into the canal. The case raises two important questions, one of constitutional law, and one of sanitation. The constitutional question is as to the jurisdiction of the Supreme Court to entertain the case. The complainant asserts original jurisdiction in that court under Section 2, Article 3, of the federal constitution creating such jurisdiction in cases "in which a State shall be a party," amended subsequently by provision that such jurisdiction shall not extend "to any suit, in law or equity, commenced or prosecuted against one of the United States by citizens of another state or by citizens or subjects of any foreign state."

It is averred in the complaint that the canal was built by the Sanitary District of Chicago as one of the "governmental agencies of the State of Illinois," and under the direction and control of that state; that the flow of the channel will cause direct and immediate injury to the State of Missouri; that the 1,500 tons of filth and sewage cast daily into the canal at Chicago will poison and pollute the waters of the Mississippi and render them unhealthful and unfit "for drinking

¹ Contributed by M. F. Gallagher, Esq., Chicago, Ill.

purposes and all other domestic and manufacturing and agricultural purposes," and destroy the value of water works created at great expense by various municipalities along the river.

Defendants deny jurisdiction in the Supreme Court because the bill does not set forth "within the meaning of the Constitution of the United States, any controversy between the State of Missouri and State of Illinois." The contention is that any controversy that exists is between the State of Illinois and a public corporation created by it and certain cities and towns of Missouri and certain citizens of that state residing on or near the banks of the Mississippi River. It is argued that the State of Missouri has merely lent its name to the case of the city of St. Louis, and that the suit in no wise affects the property rights of the state itself.

The issue thus raised is, of course, of great legal import, and will require a construction of the pertinent provisions of the federal constitution.

The other question of especial interest to students of sanitation is largely a problem in chemistry and bacteriology. The drainage trustees assert in their answer to the complaint that the sewage discharged into the canal will have entirely lost its noxious matter before the flow reaches the Mississippi and that it will in no wise poison or pollute that stream. They go a step farther and say that "the turning into the DesPlaines River of the sewage of the sanitary district of Chicago, together with the 300,000 cubic feet per minute of the pure water of Lake Michigan, which will accompany the same, will greatly improve the quality of the waters of the Illinois and Mississippi Rivers."

It is also insisted that the State of Missouri is estopped from complaining of the canal because, while it was in process of construction for over eleven years, no objection was raised.

The Supreme Court has ordered the case for oral argument at the October term, but no date has been set for it.

Civil Service Reform. New rules adopted by the the Civil Service Commission clearly outline the method of promoting employees within the classified service. Henceforth the higher grades of work are, so far as possible, to be strictly confined to employees promoted from inferior positions, to the end that a permanent trained force of municipal servants may be developed. The rules provide that promotions shall be governed by ascertained merit and seniority of service and made after competitive examinations which shall be held whenever the next lower grade of service shall be constituted of at least two persons eligible to promotion, and competition "shall be limited to the members of such next lower rank or grade."

If, in the immediately inferior division of service, there are not two

men wanting to take the examination for promotion, then the usual original entrance test will be had. However, if after sixty days from the general examination, a requisition to fill a vacancy is received and there are then persons in the next inferior position competent to take the examination for promotion, such examination will be held for their benefit and the employee qualified for the vacant position shall be certified for promotion. In all examinations due weight shall be given to length of previous service and office efficiency. The commission, when deemed best, may appoint boards of promotion to conduct the examinations and mark the papers.

Census. The population of the city of Chicago, shown by the new census, is 1,698,575. The increase since 1890 is 598,725, a percentage of 54.44. The published returns of thirty cities having a population in excess of 100,000 rank Chicago third in percentage of increase, Indianapolis, Indiana, and Toledo, Ohio, surpassing it in this respect. The present area of the city of Chicago is 190.64 square miles. The death rate given for 1899 was 15.00.

Cleveland.¹—The purpose of the Reorganization Act of 1892 was to extend to the school government of Cleveland the spirit and methods of the "federal plan," that for two years had prevailed in the municipal government of the city. It vests legislative power in a council of seven members, elected at large, whilst executive power is lodged in a school director, chosen for a term of two years, by the qualified electors of the district. In order to keep the schools out of politics, which was one of the avowed objects of the act, the business and educational departments of the schools were separated as widely as possible, the only connection being such as is provided in the following language :

Sec. 10. "The school director shall, subject to the approval of and confirmation by the council, appoint a superintendent of instruction, who shall remain in office during good behavior, and the school director may at any time, for sufficient cause, remove him ; but the order for such removal shall be in writing, specifying the cause therefor, and shall be entered upon the records of his office ; and he shall forthwith report the same to the council, together with the reason therefor." The appointment and discharge of all assistants and teachers authorized to be employed by the council rests with the superintendent alone.

Recent events have subjected this law to a severe strain. During the eight years of the operation of the law from April, 1892, to April, 1900, there had been but one incumbent in the office of director, Mr. H. Q. Sargent having four times in succession been chosen to the position. In the Republican primaries of this year Mr. Sargent, who was

¹ Communication of Professor W. J. Truesdale, East High School, Cleveland, O.

again a candidate, was defeated by Thomas H. Bell, who had been a member of the school council. During the campaign it became generally understood that Mr. Bell, if elected, would seek to remove from the superintendency Mr. L. H. Jones, who had served in that capacity since 1894 and who, during these six years, had maintained the high excellence of the Cleveland schools and had himself become recognized as one of the most successful and progressive superintendents in the country. Mr. Bell's opposition to Mr. Jones apparently did not reflect the sentiment of any considerable number, even Mr. Bell himself deeming it necessary, in view of the storm of protests called forth by the fear, that if elected, he would remove Mr. Jones, to issue a card, which, while somewhat equivocal in statement, was understood, as it must have been intended it should be, as a pledge that Mr. Jones would be retained. Mr. Bell was elected and took office in April.

On Monday, July 2, the early editions of the afternoon papers contained a copy of a letter which the superintendent had that morning received from the Director, informing him that he was removed from his position on the grounds of "incompetency, inefficiency, neglect of duty and misconduct." At the same time a communication containing more detailed charges had been sent to the president of the school council, which body was to have a regular meeting that evening, but the superintendent was not furnished with a copy of these specifications. It was further reported that Professor Addison B. Poland, superintendent of schools in Paterson, N. J., was to be Mr. Jones' successor and that his confirmation would be sought at the approaching meeting of the council. The director supposed that he had thus complied with every requirement of the law and that Mr. Jones had ceased to be superintendent at the moment of receiving his letter of removal. He regarded the notice of his action which the law required him to send the council as a mere formal announcement of an accomplished fact. The friends of Mr. Jones immediately set to work to find some means of preventing this summary ousting of the superintendent. They accomplished two things; first, several members of the council were prevailed upon to absent themselves from the meeting, so that in the absence of a quorum, no action could be taken upon the nomination of Mr. Poland; secondly, an injunction was secured temporarily restraining the director from removing Mr. Jones, and ordering him to accord Mr. Jones a hearing on the charges preferred.

On the following day the Director sought the legal advice of the corporation counsel, whose duty it is to act as legal adviser and representative of the school officials. The unofficial opinion of the law department had been made public in a communication from the first

assistant corporation counsel, which appeared in the morning papers of Tuesday. This opinion was based upon a decision of the Ohio Supreme Court (58 Ohio State Reports, p. 504) upon the question of the power of removal from office by a mayor. In the decision referred to it is held that the mayor's power of removal "cannot be exercised arbitrarily but only upon complaint and after a hearing had in which the officer is afforded opportunity to refute the case made against him. Nor has the mayor in such case authority to proceed to the hearing until charges have been preferred which embody facts that in judgment of law constitute neglect of duty or misconduct in office and of which the accused has had due notice." The opinion concluded, therefore, that the school director had acted contrary to law, for whether he had "sufficient cause" for the removal of the superintendent could only be determined after he had notified the superintendent of the special charges made against him and given him an opportunity to make his defence. It was a matter of no surprise when the corporation counsel, called upon by the school director to assume his defence in the injunction proceedings, practically refused to do so, pronouncing the director's position untenable. The Director not yet willing to admit defeat, next sought the advice of a private lawyer, but the best this lawyer could do for him was to discover a technical flaw in the petition for the injunction. Convinced at last that he had erred, and probably somewhat influenced by the severe condemnation of his course expressed by the entire respectable press of the city, including the morning Republican that had advocated his election, the Director, on July 6, sent a second letter to Mr. Jones "revoking, cancelling and annulling" his order of removal. At the same time the charges which had been sent to the school council were withdrawn and the injunction proceedings were therefore dropped. Since that time no further steps have been taken against the superintendent.

National Municipal League.—At the Milwaukee meeting of the National Municipal League, held in September last, the following resolution was unanimously adopted :

Resolved, That the chairman of the Executive Committee be authorized and empowered to appoint a committee, which may include members not members of the League, to ascertain the extent to which instruction in municipal government and its betterment is offered by American institutions of learning ; and further

Resolved, That this committee, when appointed, shall have authority to bring to the attention of college authorities the necessity of offering more extended instruction in these subjects.

In pursuance of the power vested in him, Charles J. Bonaparte, Esq., chairman of the Executive Committee, has appointed the following committee to carry out the foregoing resolution:

Professor John H. Finley, Princeton University ; Dr. William H. Allen, University of Pennsylvania ; Dr. William F. McDowell, secretary, Methodist Board of Education, New York City ; Professor Charles Zeublin, University of Chicago ; President Thomas M. Drown, Lehigh University ; Dr. Robert C. Brooks, Cornell University ; Professor E. L. Bogart, Oberlin College ; Clinton Rogers Woodruff, Secretary, National Municipal League.

Municipal Code Commission of Iowa.¹—The municipal code commission of Iowa is a direct result of the decision of the Supreme Court in the case of *Baker vs. the Village of Norwood*.² The holding of the court is to the effect that special assessments for public improvements must be in proportion to the benefits conferred upon the property thereby and not in excess of them. Many able lawyers throughout the state held that this did not invalidate the special assessment laws, in that provision was made for a hearing before the city councils and an appeal from their decision to the courts, which were empowered to make proper assessments. None of the municipalities, however, had sufficient confidence to assume the cost of a test case, and public improvements were brought to a standstill. The effect upon street paving was particularly noticeable. The plan of assessing abutting property so much per front foot to pay the cost of the improvement was so clearly contrary to the ruling of the court, that paving entirely ceased. Under these conditions the cities were a unit in demanding of the General Assembly the passage of some measure that would enable them to continue their improvements. The importance of the subject, however, and the difficulties involved in revising all the special assessment laws during one brief session of the assembly, were so great, that it was thought best to enact a temporary measure and appoint a joint commission to recodify the municipal laws.

The act³ creating the commission provides that it shall consist of six members, three from the senate and house respectively, appointed by the presiding officers of those bodies. This commission is "carefully to revise and codify all the special assessment laws, and such other laws in relation to the government of municipal corporations, as may be by the committee deemed necessary and expedient, and recommend such changes therein as may be desirable." The terms of the law are so sweeping that it is probable that the committee will not content itself with the revision of the special assessment laws alone, but will go over the whole subject of municipal government, and,

¹ Communication of Professor W. R. Patterson, University of Iowa.

² "Federal Reporter," vol. 74.

³ Laws of 28 G. A., chap. 176.

among other desirable reforms, seriously consider a uniform system of accounting.

The law¹ under which assessments will be made until the meeting of the next assembly, when the report of the commission is due, provides that such assessments shall be in proportion to the special benefits conferred upon the property thereby, and not in excess. The amount assessed not to exceed 25 per cent of the actual value of the property at the time of the levy, as shown by the preceding assessment roll.

Duluth² has had her fair share of maladministration, a natural consequence of new environment and rapid growth. Occasional spurts of reform have been followed by longer periods of relaxed vigil and loose methods. The local civic spirit has, however, grown apace. To-day all our political parties are declaring in their local platforms in favor of the principle of municipal ownership of public utilities. These declarations are not all of them either enthusiastic or honest. But the average politician, even though he be the henchman of some special interest, hardly cares or dares to run riot with public sentiment. He therefore falls into line or, at least, appears to do so.

After a bitter struggle with selfishness and corruption, extending over a period of years, Duluth finally acquired the ownership and control of its water and gas supply. The plant of the private company was purchased for \$1,250,000, less by almost one million dollars than the price at which it was originally attempted to unload it upon the city, but still more by almost \$500,000, according to some authorities, than its actual value. A supplementary water system built by the city, guaranteeing a pure water supply, with a new and adequate pumping station, an intake about ten miles from the heart of the city, a reservoir and miles of force main to make connection with the old system, together with necessary repairs and outlay on the old system, involved an additional expenditure of over \$1,100,000. The total investment to date is, therefore, \$2,350,000.

Duluth has been most fortunate in two prerequisites to success along the lines in question. The first is that the control and management of the water and gas plants have been vested in a non-partisan board of public-spirited business men, who serve without compensation; the second, that this board had the good judgment and good fortune to secure the services of an active manager, who, as superintendent for many years of the Detroit (Michigan) water works, established a national reputation for competency and probity.

Notwithstanding that the price of water by meter was reduced from five cents to four cents per hundred gallons and the price of gas for

¹ Laws 28 G. A., chap. 29.

² Contributed by W. G. Joerns, Duluth, Minnesota.

illumination from two dollars to one dollar and a half, per thousand cubic feet, there is a net profit on the first year's business of \$15,681.86. The total earnings were \$176,469.37; the expenses for operation and maintenance, including repairs, \$49,587.51, leaving a surplus of \$126,881.86. The above profit remained after paying interest on bonds, \$111,200. The effect of the reduction in the price of gas upon the total output is indicated by the following :

Gas made from January 1 to July 1, 1899, 13,522,000 feet.

Gas made from January 1 to July 1, 1900, 17,939,402 feet.

Gas sold from January 1 to July 1, 1899, 10,470,370 feet.

Gas sold from January 1 to July 1, 1900, 14,276,000 feet.

Receipts from January 1 to July 1, 1899 . . . \$15,470.20.

Receipts from January 1 to July 1, 1900 . . . \$20,177.67.

The citizens of Duluth have likewise voted for a bond issue of \$110,000 for the erection of a public electric lighting plant. A new charter has also been adopted, similar to those of Minneapolis and St. Paul. The question whether this charter has been legally adopted is now pending before the State Supreme Court. The city after asking for competitive proposals also granted a franchise to a new telephone company, an active competitor of the Bell Company, with greatly reduced maximum rates and with the privilege of purchase by the municipality at the end of stated five year periods. The new plant is now in active, satisfactory and successful operation. The old company also remains in operation, though its franchise has expired. Before the new telephone system, or in fact, any further public utilities can be acquired by the city, additional legislative action will probably be necessary, as a refunding measure passed since the last session of the legislature in the interests of Duluth contains a provision that is evidently intended to tie the hands of the municipality in the direction named. This provision was injected into the original draft prepared by the city authorities against their protest and that of many other public-spirited citizens.

II. THEORETICAL SOCIOLOGY.

The Fourth Congress of the International Institute of Sociology met in Paris from the twenty-fourth to the twenty-seventh of September, inclusive. The society was organized in July, 1893, and since then sessions have been held in 1894, 1895, 1897 and 1900. All of the sessions of the Fourth Institute were held in the chemical amphitheatre of the Sorbonne.

De Greef, rector of the New University, of Brussels, is president of the Institute, but owing to illness he was unable to be present. J. Novicow, the oldest of the vice-presidents, was chosen by the unanimous vote of those present to preside. The members present were: Novicow, Kovalewsky, René Worms, Rodberty, Tarans, Lester F. Ward and Émile Worms. Besides these, many associate members were present.

The first session opened with the address of the president, J. Novicow, which was responded to by René Worms, the general secretary. Kovalewsky read a paper on the "Clan," which was discussed by Raoul. Two sessions were held on each of the following days: the 25th, 26th and 27th. Those of the 25th and 27th were presided over by the president, while the first session of the 26th was presided over by Kovalewsky, and the second by Lester F. Ward.

At the first session of the twenty-sixth, Lester F. Ward read a paper on "Social Mechanics," which provoked considerable discussion. At other sessions, papers were read by Rodberty on "Premises of Contemporaneous Sociology," by Albert Joffe, on "Industrial Associations," and on the "Peaceful Solution of Strikes." A very important place was given to the discussion of "Historical Materialism." Not less than three full sessions were devoted to it, and most of the members of the congress participated in the discussion of the subject.

Before adjournment the Institute received an invitation from the International Association for the Advancement of Science, to attend its session to be held in Glasgow, in 1901.

The Origin of Punishment.—Dr. Westermarck has contributed an excellent article on the "Origin of Punishment," to the October and November numbers of the "*Zeitschrift für Socialwissenschaft*." He states that it is a generally accepted view that punishment as an institution of society is of comparatively recent origin, and may be traced to the custom of individual and family revenge. He finds this view contradicted by relations which exist in nearly every tribe. He claims that punishment, from the point of view of society, is exercised by every tribe. We have no knowledge of a people with some

customs, the observance of which is not compulsory and the transgression of which is not visited with punishment.

Revenge is not the parent of punishment. They are both offsprings of animosity. The satisfaction of revenge proceeds from the desire to avenge the injuring party or his representative. Punishment has its root in the public disapproval which is aroused by evil-doing. Revenge is a genuine form of animosity, for it is the outpouring of selfish feeling, while public disapproval is caused, sometimes if not always, by the altruistic feeling of sympathy. Revenge is contrasted with wrath. It is the result of reflection, while wrath is not. The latter is also a selfish feeling. It is met with in animal life, and is there serviceable as a means of protection. Instances of feelings of sympathy also are not wanting in animal life.

The members of savage tribes are often bound together by closest ties. In some cases the individuals are closely identified with the group, and participate in group action. If the group is attacked, the individual considers himself attacked and so takes up arms.

The disapproval of the group plays an important rôle in the life of the savage. He respects the rights of others, and he fears the lash of public opinion which is always applied when he transgresses the precious traditions of the tribe. In some tribes the disapproval of public opinion is the severest of punishments. The belief that to the savage is permitted freedom of speech and of conduct is absolutely untrue.

The kinds of punishment employed are various. In some places the crimes are classified and the punishment is then adapted to the crime. Some tribes distinguish between crimes committed against the individual from those committed against the group. In some cases reliance is placed on bodily punishment as a deterrent from evil-doing, while in other cases public opinion plays a very important rôle. Where the right to revenge an injury is recognized the obligation resting upon the avenger is always exacting. There also goes with the avenging of a crime the inflicting of an injury corresponding somewhat to the injury received. However, the experiences of many tribes show that there is often not a close adjustment of the punishment to the offence.

Folksjustiz, as the oldest form of punishment, prevails in many tribes to-day, with the system of private revenge. In old Rome the transition from primitive justice to the organized obligation of punishment followed far earlier than the transition from private revenge to the system of private punishment. Primitive justice is, in a large community, a difficult process, as it is practically in the hands of the leaders. A sort of legal organization is a frequent phenomena with

primitive peoples. Sometimes the chiefs alone consider offences and fix the punishment, and in other tribes they act after a consultation with the old people. The powers of the chiefs vary widely with different tribes. In some cases they are considered as lawgivers and have almost unlimited power, while in other cases their powers are only nominal.

The existence of courts of justice among savage tribes is considered to be peculiar when it is observed how long the custom of revenge persisted among civilized peoples. It is met with to-day in Japan and among the Scots and in Germany it did not disappear until the close of the fifteenth century. Some of the essentials connected with the transition from revenge to punishment explain this phenomenon. The custom of blood revenge persists in accordance with a desire to see the evil-doer suffer. The feeling of sympathy develops when the punishment is greater than the offence should warrant it to be. In this is found a reason for the transition. Punishment presupposes a desire for retribution, and the disapproval of the group is seen when it is not adapted to the offence.

In the system of revenge there is no certainty that the evil-doer will suffer. If the injured are weak they must turn to the ruling authority for aid. The requirements of justice demand that the king should have a right to interfere, and the experience of numerous tribes shows that it was one of the functions of the kings to protect the weak. In other cases the feeling of sympathy works to prevent overpunishment and the state is called in to act as a judge.

Another observation is important in explaining the transition from revenge to punishment. The welfare of the group often demands that the members should live in peace. The substitution of blood money for revenge is suggestive in this connection.

The author thinks that it is very probable that in most cases the legal power of the chiefs developed in the interests of the security of the state. The opportunity which, acting as mediators between parties, gave the chiefs an increase of power also aided in establishing a legal power. The author concludes that the displacement of revenge by punishment is no infallible sign of advancement in culture. A small tribe whose members are closely bound together is disturbed more by dissensions than a large one whose members are not so closely knit together. Hence is seen the greater need for internal peace in the one.

Sociology in Institutions of Learning.—The students of the University of Michigan have an incorporated organization known as the "Good Government Club." It was organized in 1896 and incorporated in 1899. Its aim is to promote inquiry into the ultimate

scientific laws of politics and economics in their application to human welfare and development. In order to interest the largest possible number of students, the method pursued is to arrange for a course of lectures by the most distinguished specialists that can be secured for the several topics discussed, and to charge a fee for a season ticket to this lecture course just sufficient to cover the cost. The lectures are given in one of the college buildings and the speakers and the subjects for the current academic year are the following :

Chaplain J. F. Orwick, of the Michigan State Prison, on "Behind the Bars;" Judge O. N. Carter on "Primary Election Laws;" Booker T. Washington, "Race Problems;" Mayor Jones on "The Golden Rule in Politics;" President Samuel Gompers on "The Rough but Ignoble Struggle of Labor;" Senator Burrows on "The Senate;" President Schurman on "The Philippines;" Professor Richard T. Ely on "An Economic Question." Congressman W. A. Smith and Hon. Don M. Dickinson are also announced as speakers. Any student of the University registering, in a book provided for the purpose, and purchasing a course ticket for these ten lectures is considered a member of the club. About one thousand members have been secured for this season. The club furthermore offers a yearly prize of \$25 for the best essay written by a student member of the club, upon any theme within the general scope of the club's work. Viewed as a student enterprise, such a club is certainly a sign of a good tendency in University life and might well be imitated in other institutions. The name and address of the secretary of the club is Mr. Earl B. Hawks, 1326 Geddes Avenue, Ann Arbor, Michigan.

Commercial Education in Scotland.—Special attention has been paid to the subject of Commercial Education in England as a result of the increasing competition of German manufactures. The growing importance of German trade is supposed to be a direct result of the attention paid to commercial education in that country. Two important English reports have appeared: (1) Report of the Proceedings at a Conference on Commercial Education held under the auspices of the London Chamber of Commerce, July 8, 1898; (2) Report of Inquiry by a Special Sub-Committee on Commercial Education of the Technical Education Board of the London County Council, January 30, 1899. In neither of these reports is any special reference made to the conditions in Scotland. Therefore the Edinburgh Merchant Company, the Edinburgh Chamber of Commerce, and the Leith Chamber of Commerce appointed a Joint Sub-Committee on Commercial Education, of which Mr. John Macmillan, Master of the Merchant Company, the Merchant's Hall, Edinburgh, was made chairman. This committee made its report on September 27, 1900; a

report which covers with appendices fifty-seven quarto pages.¹ It discusses, with special reference to the centralization of Scottish trade and commerce in Edinburgh, many interesting phases of one of the most debated of current educational questions, namely, How to secure the best type of educated business men. The section relating to the defects of the present educational arrangements is particularly strong. It is noted that the teaching of history, geography and arithmetic is little adapted to the needs of a business career. Too much time is spent on Latin and Greek, and too little on French and German; furthermore, the modern languages are not thoroughly taught or mastered so as to be used with facility in business. The general conclusions of the committee are of more than local interest. They are summarized in the report as follows:

1. That primary education only should be given to pupils under twelve years of age, and that secondary or higher subjects should not be commenced until the pupil has gained the Merit Certificate or passed an equivalent examination. If this method were followed, the committee believe that not only would the pupil be better grounded in a sound English education, but would also be more likely to get the full benefit to be derived from a secondary course.

2. That it is necessary to provide a more modern secondary education that would better appeal to a large proportion of the pupils. It is acknowledged that the study of Latin and Greek is an admirable mental training, and that some acquaintance with Latin is very helpful to the student of English. Much of the study of Latin and Greek, however, has the disadvantage of being altogether divorced from every-day life, and it is only natural that boys should take more interest in the languages and affairs of the world in which they live. The committee have no intention of decrying Classical Education while asserting that the study of English literature; of English and Scottish history; of the geography of the world and especially of the English speaking world; of the elements and principles of science and mathematics—is real education likely to stimulate a boy's highest faculties.

3. That commercial subjects, properly so called, should not be taught at school, but that, as provided for in the Scotch Code with reference to higher-grade commercial schools, "the study of arithmetic, of history and of geography should have a commercial application." The committee consider that the aim of the school course should be to give a sound general education fitting pupils for entering on a commercial career.

4. That the better teaching of modern languages is also a first necessity for the improvement of commercial education. To enable

¹ Sold by John Menzies & Co., 12 Hanover Street, Edinburgh. Price 1s. 3d.

this to be done there is required, to begin with, an admission on the part of educational authorities that a man may be an educated and even a cultured gentleman although he has not seriously studied Latin or Greek ; and further, that both France and Germany possess invaluable literatures, with the added advantage that they are in languages which are living and not dead. Three steps seem necessary to stimulate the study of modern languages :

(a) That the universities should show proper respect for modern languages by giving the teachers of French and German the same status as the professors of Latin and Greek ; and by assigning the same approximate value to these subjects in examinations.

(b) That students should be induced by bursaries and other means to master modern languages, so that there may be trained for the teaching of French and German, Englishmen and Scotsmen of equal ability and culture to the men who now teach Latin and Greek. The committee are much impressed by the consensus of opinion among the educational authorities who gave evidence, that modern languages can never be properly taught in this country until taught by Englishmen and Scotsmen who have had university training and have resided abroad.

(c) That secondary schools should also dignify the teaching of modern languages by placing them on a level with the dead languages in bursary competitions and in all other respects ; and by offering proper remuneration to the teachers of modern languages.

5. That boys should not leave school to enter on business careers until they attain the age of sixteen, those who can afford to do so being encouraged to remain till seventeen or eighteen ; and that employers should, as far as possible, require the production of and give due recognition to the Leaving Certificates by the Scotch Education Department as evidence of educational attainments. The committee would suggest that the department be approached with the view of instituting, in connection with school education, group certificates of certain grades, that would come to be universally known and recognized by business men in their selection of apprentices.

6. That it is most necessary that young men should continue their education, after they have begun business, during their leisure hours. In this way the defects of ordinary education may be remedied, and it is during the years of apprenticeship that young men may most profitably study commercial subjects. The committee agree with the witnesses that it is natural for boys at school to take an interest in such subjects as Bills of Lading or Foreign Exchange ; but that young men in offices and factories may with advantage study the theories and laws regulating matters with which they are in constant touch in their daily

work. Of course if a young man is to derive benefit from the evening classes at the Heriot-Watt College, or any similar institution, he must have set his heart on his work.

7. That in view of the increased attention being given to strengthening and rendering more efficient the modern side in secondary schools, and of the tertiary schools which exist in large towns, such as the Heriot-Watt College in Edinburgh, the committee are not prepared to recommend the institution of a purely commercial school on the lines of the Continental Commercial Schools at Antwerp, Leipzig, and other places, or of the London School of Economics and Political Science.

8. The committee, while recognizing the good work being done by certain Chambers of Commerce and other mercantile bodies in Scotland, by means of examinations for commercial certificates, are of opinion that such work would be more efficiently accomplished on a uniform system by a National Examining Board. It is accordingly suggested that the proposal be brought before the Scotch Education Department.

9. That to enable commercial education to take its proper place in the educational arrangements of the country and fully to meet the requirements of commerce, it is desirable that Faculties of Commerce should be established in our universities. It is the opinion of the committee that such faculties would have a very beneficial effect in raising the status and importance of the commercial side in the secondary schools, by giving it, like the classical or science side, an opening to the university, by molding and regulating the course of study, and by inducing pupils of ability who at present prefer another course, because it leads to the university, to study for a commercial career. Turning to the interests of commerce, the committee believe that a university education would be of the greatest service to the men who are to occupy the chief positions in large commercial undertakings. To discharge aright the important and delicate duties and responsibilities which devolve upon them, the development of mind and width of culture which are produced by university study are as essential as in the case of the professional men, and there is no reason why the possession of a university degree should not be placed within the reach of the one as well as the other.

The classes of modern languages, of political economy, and possibly one or more of the present history and law classes, would form the nucleus of a Faculty of Commerce, and to these might gradually be added classes having more direct reference to the history and practice of commerce. The education to be provided by such a faculty would primarily be taken advantage of by young men having the

means and leisure to attend as regular students, but others engaged in business might, as is the practice with lawyers' and accountants' apprentices, also take the classes if suitable hours were fixed. It would also be available for the training of those who might act as teachers of commercial subjects in schools.

Although the committee hold the opinions in regard to university education above expressed, they feel that the evidence given by the business men who came before them shows that the need for that education is not appreciated by the mercantile community, and they respectfully urge Chambers of Commerce and other mercantile bodies to consider this important subject and mature the opinion of business men in regard to it.

III. PHILANTHROPY, CHARITIES AND SOCIAL PROBLEMS.

The Race Problem.—*Hoffman's "Race Traits of the American Negro."*¹ In spite of the fact that Mr. Frederick L. Hoffman's volume on "Race Traits and Tendencies of the American Negro" is very interesting reading and is being widely quoted, it is likely to prejudice unjustly the cause of the negro because of errors in statistical statement and in the use of the statistical method. The author is a professional statistician in the employ of a large insurance company. Careful students who are trained to make their deductions from all the data in hand rather than from half or two-thirds of the figures they quote may well be surprised at Hoffman's methods. After observing this fact, however, they will not be astonished perhaps to find that Mr. Hoffman's conclusions, based upon some figures, are disproved by *other* figures given within the covers of his own book.

In his discussion of the question of negro mortality he concludes, from the figures cited, that the rate of increase in the negro population is diminishing and the race consequently dying out. On page 53 Hoffman gives the following mortality rates for negroes in four cities:

Mobile. (1843-1894)	Charleston. (1822-1894)	Savannah. (1856-1894)	New Orleans. (1849-1894)
23.10	28.16	34.07	52.10
31.19	25.02	49.65	44.61
34.70	19.77	57.26	40.22
39.74	34.12	44.82	52.33
36.26	41.98	51.66	35.22
35.11	43.83	41.67	39.42
30.91	44.06	37.26	
		32.26	

¹ Contributed by Isabel Eaton, M. A., of New York City; author of "Negro Domestic Service in Philadelphia," etc.

Of these records Mr. Hoffman says: "While the point to be brought out by this table is not so clear as would be desirable, it is shown . . . that for the colored population the mortality at the present time would seem to be higher, as a rule, than it was forty or fifty years ago." Is Mr. Hoffman's conclusion justifiable? Note that he has given here four tables in two of which the present mortality is shown to be greater than it was some years ago, while in the other two it is shown to be less. Is he justified, under such circumstances, in reaching the conclusion quoted, or in presenting a conclusion so reached as a "Race Trait?"

But note still further—on page 39 of the same book, where Mr. Hoffman is discussing another aspect of the problem, he gives nine records of colored mortality which steadily decrease, while a tenth record somewhat irregularly increases. He should have combined these records with the four already quoted above. Combining these ten tables with the four here given in full, he would have had altogether fourteen negro mortality tables to prove the increasing death rate of the colored people. Only three of these, however, show an increasing mortality, while eleven show a *decreasing* mortality rate. From such figures is Mr. Hoffman justified in concluding that the mortality of the negroes is *increasing*? Moreover, the census figures for the last century, from 1790 to 1890, show no decade in which the race has not increased by at least nine per cent.

Again, in regard to Mr. Hoffman's interpretation of the *Hull-House Maps*, published in 1894, the present writer, formerly a resident of Hull-House, may perhaps be allowed to point out a second error. On page 17 of his "Race Traits" he says of these maps: "The first map reveals that the colored population is concentrated in a very limited area, which contains but a small number of whites. . . . The second map shows that the section inhabited almost exclusively by colored persons is also the section which contains all the houses of ill-fame in this part of the city." If Mr. Hoffman will study and compare the two Hull-House maps he will find that there are nearly three times as many whites as negroes in the district he speaks of as "inhabited almost exclusively by colored persons," and a careful comparison and measuring of the two maps will show him that negro immorality in the section he speaks of is, in comparison with the white immorality in that section, as 1 to $3\frac{1}{2}+$; that is to say, there are nearly *nine white brothels for every one negro brothel* in this section.

Not only is it true that Mr. Hoffman has misinterpreted the actual condition in this Chicago "slum" district, but it is also true that this particular Chicago "slum" district represents facts of negro

life which are the reverse of the usual ones, as may be seen by referring to page 27 of the Seventh Special Report of the United States Commissioner of Labor on "The Slums of Great Cities." This was published in 1894, and there Mr. Hoffman might have read Commissioner Wright's statement that "the conclusions drawn from the comparisons of the slum with the total population are briefly, that in Baltimore the proportion of blacks, mulattoes, etc., in the slum districts canvassed is much less than that found in the whole city, being 4.12 per cent for the slums and 15.45 per cent for the whole city; in New York .54 of 1 per cent of the slum population are blacks, mulattoes, etc., while they compose 1.56 per cent of the total population; in Philadelphia they constitute 2.53 per cent of the slum and 3.76 per cent of the total population; in *Chicago the reverse is true*, the proportion of blacks, mulattoes, etc., in the slum districts being 5.69 per cent and for the whole city but 1.30 per cent." That this crowding in of negroes into the Chicago slums should be represented as a "race trait" when it has been shown by the National Labor Bureau to occur in only one of four cities investigated, while in the other three cities the tendency is strongly the other way, seems, to say the least, a hastily formed judgment.

Tenement House Legislation in New York, 1852-1900.—The Tenement House Commission has just issued a printed report of 200 pages prepared by the secretary, Mr. Lawrence Veiller, giving a history of all tenement house legislation that has been enacted in New York State since the very earliest days. The report is a very complete one, taking up every phase of the tenement house laws and tracing in detail all the changes that have occurred in reference to each subject.

The different subjects are arranged in four main classes: Fire provisions, light and ventilation provisions, sanitary and health provisions, and general provisions relating to the administration of the laws and other kindred topics.

Under the fire provisions may be found such topics as the following: Fire escapes, the construction of public halls and stairways, construction of hall partitions, the construction of elevator shafts, dumb-waiter and light and vent shafts, and so on, through the different requirements of the various laws. Among the light and ventilation provisions are to be found such subjects, as the amount of space to be left between front and rear tenements, the space to be left vacant at the rear of tenement houses, the percentage of the lot permitted to be occupied by new tenements, the size of light and air shafts, the ventilation and size of rooms and halls, and so on; a similar method of grouping or classification has been followed in reference to the sanitary provisions.

Under each one of the different topics is to be found a statement of all the changes that have taken place at different times in reference to this especial part of the law, and following such statement in each case are exact quotations from the different enactments so that the student may trace in detail each change. The present law upon each subject is also indicated and the report contains a very full and complete index ; and at the end a list of all building laws and tenement laws that have been enacted in the State of New York from 1849 to the present time.

It is amazing to find upon the perusal of this report how many excellent laws were enacted twenty or thirty years ago, and how much less rigid the present laws are in some cases than those laws of former times. For instance, in 1867 the law required that in all tenement houses to be occupied by four families or more, the stairs and halls should be constructed entirely fireproof of stone or iron, and the floor beams of the halls were to be of iron with brick arches. This is much more stringent than the present law upon this subject, which does not require stairs to be absolutely fireproof, except when the buildings are over five stories high, and are also arranged for four families on every floor. In other cases the stairs and halls are required to be of slow-burning construction, and in tenement houses less than three stories high no special provision is made. Similarly, in reference to the construction of hall partitions: In 1867, it appears, the law required that in all tenement houses intended to be occupied by four families or more, the hall partitions from the foundation to the roof should be made of brick not less than twelve inches in thickness, and that the floor beams of such halls should be of iron with brick arches. The present law limits this requirement only to the stairways and partitions enclosing them, and does not include the whole public hallway. Similarly in reference to having the first story constructed fireproof: the law as originally enacted in 1871, was much more rigid than it is at the present day, the earlier laws requiring that in all tenements over three stories in height, occupied by as many as six families above the first story, the first floor should be entirely fireproof. The present law does not require this unless the building is five stories in height.

It is extremely interesting to find that as early as 1867, the law required all wood-bins and coal-bins in the cellars of tenement houses to be constructed of fireproof material. Had this law not been repealed in 1871, a great number of our most serious tenement-house fires would never have occurred, as a large proportion of such fires start in cellars. In 1887 a law was enacted prohibiting the use of any wooden building as a tenement house, that is by more than two families. The present law, however, permits such buildings to be occupied by as many as six families.

This report of the Tenement House Commission contains many other matters of interest, and should prove of great value to architects, builders, lawyers and students of tenement house reform. It is the first history of this kind that has ever been prepared.

Tenement-House Conditions.—The New York Tenement House Commission has issued its third special report, prepared by the secretary, Mr. Lawrence Veiller, upon the subject, tenement-house conditions.

This latest report, a book of some sixty pages, entitled, "Housing Conditions and Tenement Laws in Leading American Cities," deals with housing conditions in the twenty-seven largest American cities. These conditions are taken up in detail with respect to Chicago, Philadelphia, St. Louis, Boston, Baltimore, Cleveland, Buffalo, San Francisco, Cincinnati, Pittsburg, New Orleans, Detroit, Milwaukee, Washington, Jersey City, Louisville, Minneapolis, Providence, Kansas City, St. Paul, Rochester, Denver, Toledo, Columbus, Syracuse, Nashville and Hartford. Besides a description of the housing conditions in each one of these cities, the report contains a statement of the more important provisions of the tenement laws and building laws in each one of these cities, and also extracts from some of the more important laws, notably the laws in Philadelphia, Buffalo and Boston.

Appended to the report is a comparative table showing the most important provisions of the different tenement-house laws in each one of these cities grouped side by side so that a person may see at a glance how these different statutes compare. This report should be of value to the legislature as affording a precedent for progressive legislation upon this subject. It appears that none of these large American cities, excepting Boston, Cincinnati, Jersey City and Hartford, have a tenement-house problem, and in the great majority of these cities the tenement-house as known in New York does not exist, the poor people and working people living generally in small, one-story or two-story houses, containing one, or, at the most, two families, while in many cities these houses are often owned by the workingmen themselves. There are, of course, in each of these cities certain bad housing conditions which give some of them what might be termed a housing problem, but this is distinct from the tenement-house problem as known in New York and Boston.

The laws of Buffalo, Philadelphia and Washington might well serve as a model for New York in many respects, especially in regard to provisions for light and air. The Buffalo law provides that "no court or shaft shall be less than six feet wide for one-story and two-story buildings, and at least eight feet wide for three-story and four-story buildings, and one foot wider for each additional story above the fourth story." The law in Philadelphia is very similar. This law

provides that "no shaft or court shall be less than eight feet wide in any part, and that any court or shaft between the wings of a tenement-house, or between two tenement-houses shall not be less in width than twelve feet; and all such shafts and courts shall be open on one side from the ground to the sky."

When one contrasts these provisions with the present provisions of the New York law, which permit, instead of wide shafts, mere slits twenty-eight inches wide and sixty feet long, and closed on all sides, one begins to realize that New York is in some respects far behind many smaller cities in her tenement-house laws.

The Mutual Life Insurance Principle.¹—In the *Ekonomisk Tidskrift* (Häft. 2, 1909), Tedor Åström, discusses the "enigmatical nature" of certain Swedish life insurance companies, which claim to be "mutual." He asserts that the insured in these companies gain no more, lose no more, and enter into the workings of the company to no greater extent than do the policy-holders of a company organized on the joint-stock plan. Preliminary blanks of application, etc., mention no obligation save that of regular payment of premium. It is stated in the regulations merely that the action of the company is mutual. This could not be construed to mean heavy liability, nor are there any provisions made relative to conditions or grounds for extra taxation of any kind; no principle of apportionment of loss or gain is stated. The only conclusion is that policy-holders are in duty bound merely to continue the regular payment of a regular premium.

The companies themselves seem to act upon this understanding, for they keep a reserve fund in case of abnormal losses and to defray the costs of management, which fund has to be maintained at a certain figure.

The writer thinks the most important so-called mutual companies, in respect of policy-holders' rights and duties, show, in general, no essential divergence from the recognized joint-stock form, and he regards the use of "mutual" as entirely erroneous and confusing.

Proceedings of the Peabody Educational Fund.—The thirty-ninth meeting of the Board of Trustees was held in New York October 3, 1900, Chief Justice Fuller, the first vice-chairman, presiding. Reports were submitted from most of the Southern states discussing educational progress, especially in connection with the institutions aided by the Peabody Fund. The report of Hon. J. L. M. Curry, the general agent of the fund, called attention to the important place the common school plays in our whole educational system, and especially, in providing a minimum of training for citizenship in a republic, and stated that the Fund in remembrance of its past emphatic declarations

¹ Contributed by Dr. A. G. Keller, Yale University.

cannot shut its eyes to the needs of the negroes, their strong and unrecognized claims upon the government, nor refuse assent to the resolution of the Capon Springs Conference, that the national government in recognition of moral obligations incurred by the enfranchisement of the negroes, should aid in the establishment of primary and industrial education in the South. A significant paragraph on the subject of national aid to the schools in the South is the following taken from Dr. Curry's report :

"Whatever may be the character or urgency of issues, new or old, presented to the American people, of obligations growing out of enlarged relations, *free schools for all the people*, good enough to attract and instruct the rich and cheap enough to provide for and educate the poor, is the duty to which nothing can be paramount, and for the neglect or postponement of which no exigency of party or country is an excuse. What is the paramount issue is the furnishing by the government of the widest possible opportunities for the development of the faculties and personality of every citizen. It is said that in the struggle for world power, the United States is dependent on national resources, economic power and social development; but all these, however concentrated, will be ineffective without general education and intelligent and trained skill in labor. Where Christian democracy obtains, and the man in man is sought out, one hears, as a writer in the August *Forum* quotes, 'constantly the sound of polished boots descending, of wooden shoes mounting upward.' Private and denominational schools will never educate the mass of the people, and every citizen should have furnished to him, without money and without price, the means of a fair and useful education. Hateful and mischievous and unchristian is that skepticism or narrowness which prates about keeping the poor in what is called their proper 'station,' or 'pauperizing' the people by a gratuitous system of education. Amid clerical and other obstacles our sister republic of France is earnestly seeking to cure ignorance of the agricultural masses and her backward state in many branches of information. For the furtherance of public instruction, especially in its primary branch, the yearly budget is more than ten times what it was before the war of 1870-71. Leaving out the art section, the appropriation was \$41,638,000. In spite of social and political upheavals, the republic has made progress which reaches the masses, and primary instruction is now gratuitous, compulsory and secular."

Legal Aid for the Poor.—The Legal Aid Society of New York City, founded in March, 1876, nearly twenty-five years ago, has in that time recovered over \$800,000, for its clients, from persons who were trying to defraud them. In the single year 1899, the society received over

ten thousand applications for assistance. The average amount of money involved in these cases is about \$8. The society asks for a retainer's fee of ten cents for each case, although where investigation proves that the client cannot pay even this small sum, it is remitted. Where the sum involved is more than \$10, and where more than \$10 is actually collected the society charges the client, in addition to the retainer's fee of ten cents, a fee of 10 per cent for services. Most of the cases are settled out of court by correspondence without great difficulty as soon as the offending parties find that a powerful society is back of the claim. In a recent published statement, Mr. Arthur von Briesen, the president of the society, spoke of the indirect service the society rendered, as follows:

"It is not merely that we protect the weak from being wronged and defrauded of that which is their just due; that is a great deal, to be sure, but there are other and collateral results which are of value to the community and the country. The society's work makes good citizens and arouses a sentiment of respect for the laws, and also, I may say, a sentiment of patriotism. Many of our clients are persons of foreign birth—people, often, who are ignorant of the laws and of how to set the machinery of the law in motion. They have some vague idea that there is law for the redress of wrongs, but they have heard that it is too costly a luxury for the poor: that it is law for the rich and not for the poor. They know they have been defrauded and wronged, but redress may seem to them hopeless. They have no money to secure it, and therefore they think it is not for them. The consequence is that they become bitter, not only against the particular person who has wronged them, but also against society in general, against the country which permits society to be organized on so unjust a basis. Such persons—and they need not be confined to persons of foreign birth by any means—are ripe to listen to those social agitators and disturbers who are only too prevalent. They are ripe for enlistment in the ranks of those who are regarded as dangerous to the security of law and order.

"Now, it is to just such persons as these that our society comes with its helping hand. We demonstrate to them that there is not only law in this country to redress wrongs and to protect people from cheating and fraud, but that it is law for the poor as well as for the rich. If a person comes to us with a complaint of extortion or of swindling or of faithlessness in carrying out a contract, or of any offence against persons or property that is remediable under our laws, we will see that he has justice done him, even though he may not be able to pay the retainer of ten cents, for which the rules of the society nominally provide. He has justice, in other words, no matter how poor he is.

Now, when a weak and helpless person finds that he is an integral part of a community that will protect him because of his very weakness and helplessness, he is very apt to become a staunch supporter of the social organization of that community and a very poor listener to the preachers of discord and discontent. Furthermore, he is proud to claim a country as his own that so well looks after the rights of even the humblest of her citizens. It stirs in him not only that which resents assaults upon social order, but that also which is the genuine spirit of patriotism.

"In view of the mixed character of our population and the comparative strangeness on the part of many of them to our ways and our social structure, these are important considerations, important not only as regards people of this kind, but also as regards our own people, born and bred here. The fundamental conviction well settled in the minds of all who through misfortune are unable to assert their own rights that there is a force in the community that will assert their rights for them, and not only assert them, but get them—such a conviction as that implanted in all minds is of great value to the community and is a material factor in the country's strength.

"These are only some of the indirect results of the Legal Aid Society's work, and as to the direct results, I am sure that if the general public could know and see, as do the society's agents and representatives, the multitude of cases of oppression and injustice that are relieved, there would be little doubt in anybody's mind that the Legal Aid Society is worthy of the support that it gets from those who have the best interests of the community at heart."

The society now has four offices with an attorney in charge of each. One of the most important branches of its work is that for seamen. The president's annual report, in speaking of this, says: "Seamen are strangers. They come from distant lands to stay here but a brief space of time. They bring ashore what little money they may have earned on their trips. The traps laid for just that money are innumerable. Once the money is taken from them they become merchandise that is bought and sold. At least such was the case until Mr. Abbott commenced to take their cases in charge. In view of the fact that New York is dependent upon its marine commerce, it should be understood that seamen who devote their lives to its service in this important particular are its wards."

Mr. von Briesen estimates that \$5,000,000 are annually wrung from sea captains and sailors by various systems of extortion and swindling. The operations of one organized gang for this purpose are described as follows: "They bear down on every incoming tramp steamer and sailing ship, and, if possible, swarm on board after the approved style

of sea robbers. There usually is little difficulty in doing this. The captains are often more or less strangers to the port and readily fall into the error that the Jolly Roger gang is in some way official and make no objection to its members swarming over the ship's side. Once on board they make an onslaught on the crew, offering poor Jack glittering inducements to desert and go ashore for a good time. In very many cases, probably the majority, they succeed. Then, when the captain is ready to sail again he has no crew. The pirates have concealed his men and own them as they might own so many cattle. They have stripped the men of their money, and, in addition to that, have chained them down with all sorts of boarding-house debts. It is to these scoundrels that the captain must go if he wants to get a crew, and a round sum he must pay, generally \$40 and upward a head. Of course this comes out of Jack in the end, being deducted from his wages.

"Very often the captains—and this applies to the captains of English vessels particularly—are simply in league with the pirates. They ship their men from the other side under a contract to pay them on their return to the shipping point at the end of the voyage. If the men desert meantime they forfeit all the pay they have earned on the passage out and the captains wish nothing better than to have them desert. It is cheaper for them to buy a crew of the piratical crimps than it would be to pay their own crew full wages at the end of the voyage. If the entire crew of a vessel which has sailed, say, from Liverpool, desert at this port, the captain has had his ship worked all the way here free of cost. He can then purchase a debt-mortgaged crew to go back with and still have a liberal margin of plunder left to himself after paying the crimps their price."

An important branch of the society works in connection with the University Settlement among the poor on the East Side. A woman's branch has been organized, with headquarters at the United Charities Building, for the special purpose of rendering legal aid to women wage-earners.

Jubilee Congress of the Universal Association of Institutions for Mutual Help.—This association, founded by M. de Malarce, who is still its permanent secretary, held its twenty-fifth meeting at Paris, September 19-22, 1900. A large number of documents and reports relating to its work were brought together on this occasion. At the opening session Baron Tkint de Roodenberre, senator from Belgium, presided. The baron's father, now eighty-five years of age, has been for forty years a prominent member of the Permanent Superior Commission of Belgian Mutual Societies. General Porter, the American Ambassador, who is said to be greatly interested in the experimental

method of practical solutions for social problems, was present. There were also present many prominent practical philanthropists from France and other countries. After the opening exercises, a comprehensive historical report was presented by M. de Malarce upon "Progress of Mutual Benefit and Provident Societies in this Century." The association does not vote any resolutions, but suggests reform measures and leaves each member free to accept or reject in accordance with his individual judgment. Only philanthropic societies were admitted to the congress, and only the work of such was discussed. Mutual benefit schemes, where there was any element of private profit, were classed as speculative and excluded from participation. It is to be hoped that the valuable reports prepared for this congress will be printed eventually in an English translation.

Charity Organization in Hartford, Connecticut.—The Hartford Charity Organization Society held its tenth annual meeting November 26, 1900. The occasion was made notable by the presentation of a review of the ten years' work prepared by the well-trained and efficient superintendent of the society, Dr. David I. Green. A few abstracts from Dr. Green's report may serve to bring out some of the distinctive work of the Hartford Society.

"The Charity Organization Society was established for the purpose of improving the administration of charity, and aimed to introduce and disseminate certain principles and methods which promised a more economical and effective use of relief funds and at the same time a real improvement in the condition of the poor. Two questions naturally arise at this time: Have the Charity Organization Society principles and methods been accepted in considerable measure, and if so has their acceptance brought about the improvement in social conditions that was hoped for by the promoters of the movement?

"Ten years ago recommendations were commonly accepted in place of investigations, and such investigations as were made often consisted of little more than a call at the home of the applicant, or an inquiry of some one to whom the applicant referred. It is not too much to say that the word investigation has come to have a fuller meaning to the Hartford public since the activity of this society began. It involves a friendly acquaintance, not only with the applicant, but with his family and its surroundings, with his relatives, his pastor, and the others who are interested in his welfare. That there was imperative need of thorough investigation of all applications was abundantly proved by the startling instances of misapplied charity, discovered at the beginning of this society's activity.

"The growth toward more careful methods has been continuous since that time on the part of both public and private charities. Not only

is there a constant increase in the use of the facilities of this society, for investigation, but other agencies as well are manifesting greatly increased activity in this direction. This is especially true of the city charities whose investigator devotes a large share of his time to this line of work. Much relief is still given without sufficient investigation, but there can be no doubt but that a marked improvement has been brought about and that there is a tendency toward further improvement.

"The extent to which the facilities of the society for giving information concerning applicants are being used, as well as the tendency toward their increased use, may be indicated by the following figures, which show the number of applications received from almoners and charitable individuals for reports concerning applicants and the total number of applications that have come to us through reference by co-operating agencies and individuals. The number of applications received directly from the applicants also testifies to the increasing extent to which claims for relief are subjected to investigation.

	Applications for reports.	Applications by reference.	Direct applications.
1895	344	744	418
1896	417	738	611
1897	529	988	1190
1898	445	959	1308
1899	644	1202	1319
1900	751	1293	1449

"The increase in the use of our society is not the only indication that those who give are coming to realize the need of more information concerning their beneficiaries. There is also a notable increase in co-operation and the exchange of information among the almoners, and especially an increase of co-operation between the public and private charities to the advantage of both.

"The advance made under the second division of the charity organization method, that of securing relief from the most natural source available, is not as manifest, though it is, I believe, no less real. This society has always found it easy to secure adequate relief for real want. The co-operation of relief agencies from the first has been very satisfactory in this respect. But when the fact of a need is established another question arises as to which of perhaps several possible sources we should apply to for the relief. The easiest course is not always the best. Charity organization societies everywhere stand for the principle that parents should care for their children and grandchildren, that children should support their parents and grandparents, that

brothers and sisters, relatives and personal friends should stand by each other in times of need. These virtues are exemplified among the poor even more than among the well-to-do. We believe they should be encouraged, not because they save the relief funds, but because of the moral advantage, and often, even, the economic advantage to the poor themselves.

"At the time this society was organized the sense of interdependence among the poor as well as the spirit of independence was being seriously undermined by the ease with which relatives and acquaintances could be placed upon the charities. This evil has since been greatly reduced by the curtailment of public relief as well as by direct co-operation with the relatives and friends of the needy. After ten years of effort in this direction we can say, that the relatives and personal friends of the needy are much more helpful than is generally supposed. They are often perplexed and baffled by the failings of character, of which the relief agent may not hear, but an utter lack of generosity is seldom met with, and on the other hand the recognition of responsibility is certainly becoming more general. The very large decrease in the amount of public outdoor relief is both a cause and an evidence of the fact that the relief of want has become less a matter of official necessity and more a matter of personal interest and helpfulness. In other words the relief of want comes in much greater degree than ten years ago, from the more natural sources.

"In respect to the third division of the charity organization method—the formation of plans for permanent improvement in the situation of individual families and the establishment to this end of continuous friendly relationship between the needy family and a visitor of character and resource—we can also find evidence of progress.

"More or less successful work is done along these lines by other organizations, but doubtless the chief advance during the past ten years is to be seen in the activity of various circles of King's Daughters, in the work of the agents of this society, and especially in the work of the three conferences of Friendly Visitors which this society maintains. The central conference was organized in the fall of 1894; the North District Conference and the South District Conference were organized two years later. A large increase in the number of visitors has continued to be a matter of hope, but a good interest in the work of the conferences has been realized, and the results attained have been highly satisfactory.

"Though no new discovery, it is, we believe, much more generally realized now than ten years ago, that the need of groceries and coal, though important of itself, is in general but a superficial manifestation of deeper needs which must be dealt with if we are really to improve the condition of the poor.

"The work of this society in respect to personal service for the needy has undergone a considerable change during the ten years under consideration. The first years of its activity were spent largely in exposing abuses, a work that was much more useful to the public than profitable to the society or its superintendent. It was not until these abuses were in a large measure corrected that the benevolent work outlined in the constitution of the society was taken up in its entirety.

"The curtailment of public relief has given it a chance to be of service to needy people in securing relief from other sources. Increased support has made it possible to enlarge its working force so that more can be done toward meeting the countless needs of the poor which call for action rather than for money. It no longer attempts to classify its needy acquaintances into the categories of worthy and unworthy, but in the light of all the knowledge it can gain it seeks to do, or to have done that which will be most helpful to each. The stimulating influence of thorough acquaintance is perhaps itself the chief contribution of this society to the upbuilding of the dependent, but this acquaintance has brought many opportunities for useful effort—opportunities which have been accepted in some measure, but which extend far beyond the limits of our present resources.

"The course which the reform movement has taken in respect to the decrease in public outdoor relief is shown in the following table, in which the amounts of annual public relief in provisions, rent, fuel and cash are compared with the amounts which would have been given if the per capita rate of expenditure in 1890 had been continued with the increasing population of the city till 1900. During this period the amount of outdoor relief given by the seven leading relief societies of the city has remained practically constant at about \$11,500.

	Public outdoor relief actually given.	Would have been given had the old rate continued.
1890	\$33,283	\$33,283
1891	28,913	34,948
1892	16,554	36,613
1893	13,422	38,278
1894	17,324	39,943
1895	17,329	41,608
1896 (8½ m.)	10,669	30,307
1897 (9½ m.)	7,414	34,916
1898	6,819	45,769
1899	5,640	47,434
1900	4,511	49,099
	<hr/> \$161,878	<hr/> \$432,198
		161,878
Total saving		<hr/> \$270,320

"It will be observed that a sudden decline in public relief followed the report of the special committee on outdoor alms in 1891, and another marked decline followed the transfer of the public charities from the hands of the selectmen to the board of charity commissioners in June, 1896. The hard winter of 1894 caused some reaction, but aside from these exceptional years the decline in public outdoor relief has been steady and continuous. The per capita expenditure has been reduced from sixty-five cents in 1890 to less than six cents for the year ending April 1, 1900. There is every reason to believe that a further reduction can be made to advantage. The saving already made, however, amounts in the nine and a half years covered by the table to \$270,320, while the rate of expenditure now attained shows an annual saving of \$44,588. If our calculations were extended to the next ten years with another 50 per cent increase in the population of the city, the saving for the ten years would aggregate \$557,350. In view of these large figures the expenditures for investigations and for the work of helping the needy to help themselves seem to be very profitably invested."

IV. COLONIES AND COLONIAL GOVERNMENT.

A Colonial Bureau of Information.—An institution of great practical interest to Americans at the present time is the recently organized *Office Colonial*, a branch of the French Colonial Ministry. Situated in the historic *Galerie d'Orléans* of the *Palais Royal*, the office has for its object to furnish accurate and official information upon all subjects connected with the colonies, for the use of intending investors, emigrants and business men generally. It is a bureau of information. France is land-poor; in spite of her enormous colonial empire she is without the means of developing it. All the world knows of the stationary condition of her population. The French themselves have become uneasy over this sign of decadence and a parliamentary commission has just been appointed to study the evil and propose "remedies." Whatever the causes of the existing conditions may be, the truth of the matter is that France with her stationary population is not an "expansive" country, therefore the French colonies are not peopled with Frenchmen. This circumstance, together with the burdensome trade restrictions imposed by the mother country, has led to colonial stagnation. Recently the danger of such conditions has been brought home to the French public by the trend of international events, and strenuous efforts have been made to strengthen the colonies and to bind them more closely to the mother country. Realizing that the only way to retain control of her colonies was to people them with her own citizens, France has devoted her energies to the task of encouraging emigration and investment in colonial enterprises. The old bureau of information for Indo-China, established in 1898, has become the present *Office Colonial*. This office is divided into four different branches or bureaus: 1. Colonization and Emigration. 2. Commerce. 3. Statistics. 4. Library. Of these the second is of especial importance.

Commerce.

The section of commerce is by far the most valuable and important part of the *Office Colonial*. In this section is published the monthly "*Feuille de renseignements*," or bulletin of information, which forms the principal work of the bureau. The bulletin has a circulation of about fourteen hundred, chiefly among newspapers, chambers of commerce, colonial societies and individuals interested in colonial affairs.

It contains articles on all topics of a colonial nature. The value of this publication is attested by the frequent correspondence which it occasions. Especially noteworthy is the advertising function performed by the bulletin. Along this line the "*Feuille*," has succeeded

in bringing colonial and home producers and consumers into relations with each other in a way impossible for the ordinary newspaper. Again, the section of commerce publishes a complete list of agricultural, industrial and mercantile enterprises in the colonies. This colonial business directory, needless to say, is of great practical value to home producers. A special collection of newspaper clippings upon colonial topics is also made for the section and has proved of much utility to those consulting the office.

The French press, after having so long neglected the colonies, is now coming to a vivid realization of their importance, and, with characteristic French enthusiasm, is devoting vast quantities of space to colonial affairs. The same is true of the magazines. France has a second and more acute attack of colonial fever, and it seems highly probable that she will issue from the present epoch of colonial excitement with much better and more lasting results. The press clippings which are collected for the section of commerce have been found almost invaluable because of the wide range of topics included. Various expositions of colonial products, *e. g.*, coffee, rice, etc., are being prepared, and along this line the section is rapidly reaching the stage of a commercial museum for colonial products. Finally, the section of commerce carries on an extensive correspondence with commercial and manufacturing houses interested in raw materials from the colonies and has proven of considerable value in furthering the sale of French manufactured products in the colonies.

In regard to this latter point, the sale of French manufactures in the colonies, France has consistently pursued the course so disastrously followed by Great Britain before the American Revolution. The French have regarded their colonies too much in the light of mere markets for French exports. This policy would have been intolerable to British colonists and it may even be said that French colonists would resist were it not for the fact, already mentioned, that the colonies are sparsely settled by the French. The result has therefore been not revolution but stagnation. France says to her colonies, "Buy either French goods or nothing," and they accept the second alternative. It may be imagined that such a policy makes it doubly necessary for the French Government to provide some means of facilitating commercial intercourse between colonial and home consumers and producers. The section of commerce has been a potent agency in this direction. A visitor who desires information, for instance, upon the possibility of finding some substitute for Manila hemp because of the Philippine war, has at his command a complete index of newspaper and magazine articles upon the subject, if any exist; he may also send to the office for more detailed information

regarding the cost of such a substitute. The office immediately commences a correspondence with planters in the colonies and samples are sent. Arrangements are now being made for a more general and permanent exposition of colonial products so that in the near future the purchaser will find his samples already at hand. If the nature and general value of the product be well known, the purchaser has only to consult the colonial business directory to find a complete list of producers of the article in the various colonies. Less difficulty is, of course, experienced when the office is called on to indicate for the colonist some French manufacturer of a certain line of goods. The usual method pursued is a simple insertion in the "want" columns of the monthly bulletin or "*Feuille*," and this is ordinarily found to be sufficient.

Emigration.

An interesting function falls to the lot of the section of emigration and colonization, viz., to promote emigration to the colonies and to further the investment of French capital in colonial enterprises. It has been well said that the reason why Frenchmen do not emigrate to the colonies is that they are better off at home. If the wealth of France were being divided by a rapidly growing divisor, *i. e.*, if the population were increasing at a rapid rate, as in Germany, a large and constant stream of emigration would be in evidence, and this emigration would naturally turn toward the French colonies. But this is not the case. French colonies are suffering from the disinclination of the families at home to "divide the patrimony." Here again, the aid of the "*Office Colonial*" and of various private societies is invoked. The "*Office*" is charged with the duty of placing at the disposition of intending colonists all the information regarding the colonies of France, the economic opportunities which they offer and the qualifications necessary for success, which are obtainable, together with such other advice and assistance as lie within its power. This duty falls to the section of emigration and colonization.

Emigration is largely promoted by the "Society for the Assistance of Colonists," and by other associations which provide for the transportation of suitable families to the colonies, and, in some instances, furnish them with limited outfits. In his annual report, covering the first nine months of the existence of the office, the Director, M. Auricoste, records 417 persons, including women and children, whose emigration to the colonies was assisted in various ways. A large number of these were transported free of charge, while others received transportation at reduced rates. With many of the emigrants the

usual expectations of an El Dorado in the new colonies were prevalent. To the credit of the "*Office*" it should be reckoned that many ill-prepared, technically uneducated persons, entirely unsuited for colonial enterprises have been turned back by the counsel and advice of the officials in the section of emigration and colonization. The demand of the colonies is for capitalists and mechanics, not for the untrained or the shiftless class.

The section of emigration and colonization further performs a highly important duty in its relations with those contemplating investment in colonial enterprises. As the section of commerce conducts an extensive correspondence for intending purchasers or sellers to inform them of colonial conditions, so the section of colonization puts forth its best efforts to secure information regarding opportunities for investment in the fields of rice culture, coffee-growing, cattle-raising, farming, fisheries, railways, brickmaking, building, etc. These are a few examples taken from the numerous instances which have passed through the office in the first nine months of its existence. It has, therefore, become customary for capitalists to consult with the officials of this section relative to investments in the colonies.

A word should also be said regarding the library and statistical services of the office. The library is small compared with such collections as that of the Colonial Institute in London, but is rapidly growing and becoming an acknowledged centre for those interested in colonial subjects. The statistical bureau has begun the collection and publication of an annual series on the trade and navigation of all the French colonies, while numerous statistical compilations are published from time to time in the "*Feuille*."

This, briefly outlined, is the institution upon which France builds her hopes of reviving colonial trade. It is well organized and maintained at a high degree of efficiency. Only the future can tell what effect it will have upon the uncertain fortunes of the French colonial empire, but for Americans it is of the deepest significance.

In spite of the tons of literature which have been written about our new possessions, we are still comparatively ignorant regarding their real possibilities. The danger for these newly acquired islands lies not so much in their possible misgovernment by American carpet-baggers as in the ignorance of the American people concerning the economic resources of these new territories and the policy to be adopted toward them. The simplest and most effective method of dispelling this ignorance would be to establish some great bureau of information, such as the "*Office Colonial*," where full information on all subjects connected with colonial products, climate, land, people and resources generally could be obtained. It seems improbable that

monetary assistance to emigrants will be necessary for some considerable time to come, but information concerning colonial conditions for both intending colonist and investor should be made as accessible as the circumstances allow. The publication of a periodical sheet containing the latest authentic news upon colonial conditions generally and their special needs and requirements, together with advertising matter relative to the colonies, would in itself be an invaluable aid to colonial prosperity. Add to this a permanent exposition of colonial products and a "section of commerce" similar to that in the French "*Office*," and we should have an indissoluble bond between colony and parent country, a bond which would forever prevent the rise of economic and political misunderstandings. A special executive department for the government of the new dependencies is now only a matter of time, but, whether or not such a department is organized, it seems imperatively necessary that some distinct agency be established to act as a bureau of commercial information and to afford authentic knowledge of economic conditions in the colonies.

The Cuban Census.—The recently completed census of Cuba has been published by the War Department and is a most valuable document. Not only has the usual information of a statistical nature concerning population been included, but also a considerable amount of material upon the political organization, the geography, the flora and fauna and the history of Cuba; while numerous illustrations, maps and documents are given. Great credit is due to those who have compiled this valuable handbook.

The total population, including the Isle of Pines and the neighboring keys, was on October 16, 1899, 1,572, 797. The latest prior census was taken under Spanish authority in 1887, at which time the population was reported as being 1,631,687. The loss in the twelve years amounted to about 3.6 per cent of the population, but this only expresses a portion of the loss resulting from the recent war, since the natural increase of the population would have brought the total up to a very much higher figure. It is estimated that the total loss was not far from 200,000. The area is about 44,000 square miles and the density of population varies greatly in different provinces, being lowest in Puerto Principe. There are sixteen cities having a population of 8,000 or over. Havana has a population of 235,981. The urban population of the entire island in cities of 8,000 or more is 507,831, or 32.3 per cent. Nearly all of the Cuban cities are situated on the east coast. There is an excess of 57,613 males above the female population, or 3.6 per cent. In this respect Cuba differs from the neighboring West Indian islands, such as Jamaica, Porto Rico and the Bahamas. It is likely that this excess will increase rather than diminish in the next

few years, by reason of extensive immigration. Eighty-nine per cent of the population were born on the island; 8 per cent in Spain; 83 per cent of the population claim Cuban citizenship; 11 per cent at the time of the census had not declared their intention. The males of voting age numbered 417,993, or 26 per cent of the total population. Of this number 44.9 per cent were whites born in Cuba, 30.5 per cent colored, mostly born in Cuba. About 70 per cent were Cuban citizens. The native whites constitute 57.8 per cent of the population and they are grouped so as to form a majority of the population in every province except in the city of Havana. Here the white population is still in the majority but is largely composed of foreign elements. Thirty-four per cent of the population are able to read and write.

From these results of the census it appears that the Constitutional Convention now in session will be able to found a representative government upon the basis of native white supremacy, thus avoiding what has been considered the chief obstacle to Cuban self-government, viz. the predominance of the colored element. A restricted suffrage will, however, be found advisable, if not absolutely necessary, for the permanence of such a system of government.

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ANNALS
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POLITICAL AND SOCIAL SCIENCE.

ELECTION METHODS AND REFORMS IN
PHILADELPHIA.

Introductory.

The Act of July 2, 1839,¹ was the last comprehensive law dealing with the subject of elections to be passed by the Pennsylvania legislature. While in 1874, and again in 1893, election laws were passed, the former making changes incidental to the adoption of the new constitution, and the latter introducing a new form of ballot, neither made any claim to dealing comprehensively with the subject. All legislation since 1839 has been either supplementary to or amendatory of one of these three acts. Of such amendments there have been a great number, scarcely a session of the legislature having passed without the enactment of one or more, and in some instances of as many as a dozen. Consequently there are many conflicting provisions on the statute books, which neither the election officers nor the state and city officials entrusted with the conduct of elections, nor even the

¹ P. L. 519.

judges of the court themselves, are able to harmonize. Take so simple a matter as that of changing a polling place. The Act of 1855 provides:

"It shall be the duty of the select and common councils of the said city (*i. e.*, Philadelphia) to designate the place of holding elections in the several election divisions of the wards in said city and to notify the sheriff thereof at least thirty days prior to the first Tuesday after the first Monday in November and they shall have full power and authority to remove or change the place of holding the elections in any of the said election divisions whenever by reason of inability to hold said election at the place so designated a change shall be necessary."¹

The Act of 1856 provides that:

"The place for holding the elections in the City of Philadelphia may be changed in accordance with the provisions of the fifty-sixth section of the Act of 1839, which provides that, 'It shall be lawful for the electors of any township, ward or district to change the place for holding the elections for inspectors and other officers of such township, ward or district in the manner following, to wit:'"² [Then follows a description of the methods to be pursued.]

The Act of 1893 provides that it shall be the duty of the several courts of quarter sessions of the several counties of the commonwealth to designate the polling places in the several districts, in the manner described in the act.³ Besides these three, there are ten other provisions quoted in "Smull's Legislative Handbook" relating to the same subject.⁴

On the other hand, many important matters are left untouched, either because the draftsman of the original act did not see fit, on account of the conditions then existing, to provide for them, or because of subsequent unintentional repeal. For instance, there is no law directly bearing on the question whether the removal from a division of an assessor of voters works a forfeiture of office; nor one

¹ Act of 1855, Section 2, P. L. 264.

² Act of 1856, Section 31, P. L. 573.

³ Section 2, P. L. 107.

⁴ Edition of 1899, pages 418 to 420.

providing for appointment in case of vacancies. In a test case brought by the Municipal League of Philadelphia, the Court of Common Pleas No. 1 held that a removal did work a forfeiture and that the power of appointment in such cases rested in the court of common pleas.¹ No opinion accompanied this decision of the court, so we cannot ascertain upon what grounds the decision was determined. Prior to this case, however, the county commissioners had assumed and exercised the power of appointment.

There are many other incongruities in the laws due partly to the method pursued in their enactment. For instance, residence in an election division is not a qualification of election officers (the judge and inspectors of election), yet the Act of 1897² provides that,

“In all election districts where a vacancy exists by reason of a disqualification of the officer, or by removal, resignation, death or other cause in an election board heretofore elected or appointed, or who may hereafter be elected or appointed, the judge or judges of the court of common pleas in the proper county, upon proof furnished that such vacancy or vacancies exist, shall at any time before any general municipal or special election appoint,” etc.

That is to say, while a non-resident may be elected a judge or inspector of election, the resident who removes from his division after his election cannot serve as a judge or inspector.

It is not my present intention, however, to analyze the existing laws, but rather to describe the conditions which have grown up under them.

So far back as 1856 the inadequacy of the state's election laws was clearly recognized. Justice Reed in the case of *Page v. Allen* said:³

“I was counsel for Mr. Kneass in 1851 and for Mr. Mann in 1856 and from what I saw in those contested election cases I was fully convinced that the election laws were totally inefficient in preventing

¹ 23 County Court Reports, 654.

² Section 1, P. L. 38.

³ 59 Penna. State Reports, page 365.

frauds, and subsequent exposures have confirmed me in my opinion. In some districts of the city's plague spots fraudulent voting is the rule and honest voting the exception."

If our laws were inadequate then, how much more so are they now! There has been no codification since 1839. We have only a patchwork hastily put together from time to time without due regard to actual conditions. The Act of 1839 was passed when Pennsylvania was sparsely settled, but when her population of 1,724,033 was substantially permanent. The population of Pennsylvania is now dense, and in many places, especially in the cities, shifting. No man in the city knows more than a very few of his neighbors, unless he be a politician. The basic principle of machine politics is an accurate knowledge of every man in the district, his shortcomings and his strength, his predilections and his general attitude. A law which might have been adequate for a state population of 1,724,033 and a Philadelphia city population of 258,037 (I quote from the census figures of 1840) can scarcely in the nature of things prove satisfactory for a state numbering 6,302,115 and a city numbering 1,293,697.

Registration.

In some respects the law relating to the registration of voters is the most important law with which we have to deal in describing the election methods prevailing in Philadelphia. Under the Act of 1891¹ it is made the duty of an assessor to visit in person each and every dwelling house in his district on the first Monday in May and on the first Monday in December of each year, or as soon thereafter as may be possible and practicable, and to make a list in a book prepared for that purpose by the county commissioners, of all the qualified electors he may find upon careful and diligent inquiry, to be *bona fide* residents of his district, together with the date of his visit. There is one assessor to each

¹ P. L., 134.

election district in the City of Philadelphia. As there are 1,014 election districts or precincts, there are 1,014 assessors. The assessor is almost invariably chosen by the party primaries. He is usually a man unknown to the voters at large and for reasons which will become apparent later on, is chosen because of his willingness to act as the tool of the leader or boss by whom he is selected. Not infrequently assessors have been chosen who could not write and in many wards the assessors do little more than take the previous assessors' lists and add such names as they are directed to add by the politicians. Under the law they are only required to take the names given them by whosoever answers the door. In many localities they gather their information chiefly from the servants; in others by those interested in having fraudulent names inserted on the list. In districts made up largely of lodging houses, furnished-room houses, houses of ill-fame and tenements, the names are usually supplied by the proprietors. In many instances forty, fifty and sixty voters are registered from such places and the burden of correction is placed on the public. I recall one house in the Thirteenth Ward where, during a recent canvass, fifteen names were furnished to the assessor by the proprietor, although an examination of the premises disclosed that there were accommodations for but six people and that on the day of assessment the proprietor advertised rooms to let! As the assessment is intended to disclose the *bona fide* voters of a division or district and as residence is one of the qualifications of a voter, the fraud in this case becomes at once apparent.

An actual canvass of the eighteenth division of the Thirteenth Ward prior to the election of November 6, 1900, disclosed that there were thirty-five names assessed from the house 307 North Ninth street, though traces could be found of but nine residents. From the house 309 North Ninth street twenty-three names were registered, of whom traces of four only could be found. From the four houses, 307, 309, 311

and 313 North Ninth street, there were eighty-two voters assessed, of whom only twenty-one could be found.

As illustrating the looseness of the system of registration prevailing in Philadelphia the following instance is given: Canvassers as they went through a district, and called at the various houses, asked if certain well-known politicians lived there. As those who attended the door had been previously instructed to answer "Yes" to every inquiry as to voters in the house, it was found that the Director of Public Safety, Abraham L. English, was, according to the testimony of those of whom the inquiry was made, the resident of six or eight houses in the same division; as was General Frank Reeder, the chairman of the Republican State Committee, and other prominent politicians.

The following experience, gathered in a previous campaign, is illustrative to the same end: With sealed envelopes addressed to the names upon the assessors' lists, canvassers went to suspected houses and inquired for the assessed voters. They found that the people of whom they made inquiries had been posted to answer that the supposed voters lived there. The residents of the houses where fraudulent names were registered were easily trapped by such a series of questions as this: "Does George D. Baker live here?" "Yes." "Does I. W. Durham live here?" "Yes." "Does Charles F. Warwick live here?" "Yes." "Does John Hogan live here?" "Yes." "Why, you are deliberately falsifying," was Hogan's reply. "I am John Hogan; George D. Baker lives in the east end of the ward; George S. Graham is the district attorney and lives in the Twenty-ninth ward; Mr. Durham lives in the Seventh Ward and Charles F. Warwick is the mayor," etc. This announcement was sufficient to end the interview and to reveal the fraud that had been practiced. Hogan met just such experiences as this in three-fourths of the places visited.¹

Some two or three years ago an examination of the

¹ *The Arena*, October, 1900.

assessors' lists in one of the divisions of the Fifth Ward disclosed that the house 521 Lisbon street, which was at the corner of Hurst street, and was also known as 511 Hurst street, had thirty-two names registered from it; sixteen names from 521 Lisbon street and sixteen names from 511 Hurst street, although the house only consisted of three small rooms, about 12 x 12, one on top of another.

A canvasser in the Eighth Ward called my attention not long since to the fact that the ingenuity of the assessors in inventing fraudulent names had evidently been exhausted, as the list contained quite a number of names given in one order and the same names given in a reverse order. The intelligence of this assessor was not quite up to that of another Eighth Ward assessor, who two or three years ago, under stress for names, assessed a pug dog under the name of "William Rifle." A canvass of forty-one houses in the Tenth and Thirteenth Wards prior to the election of November 6, 1900, disclosed that of 316 names on the list but 128 were genuine. Testimony of the same kind might be indefinitely adduced from such wards as the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Tenth, Eleventh, Thirteenth, Fourteenth and Sixteenth, which are known in local political circles as "police wards."

If the returns of the assessors in Philadelphia are correct the time-honored ratio of one voter to every five of population will have to be abandoned, that is, if the recent census taken in Philadelphia is to be relied upon, as I presume it is. An examination of the census returns for the forty-one wards of Philadelphia discloses that the city's total population is 1,293,697. The May assessment, taken at or about the same time that the census figures were gathered, shows 320,422 names on the assessors' list or one vote to every 4.037 of population. In many wards the ratio fell as low as 1 to 2.75 and only in three of the forty-one did it exceed one to five. If the returns of the assessors are correct and if the

ratio of one to five holds good, the population of Philadelphia should be 1,670,445.

These facts in regard to registration suggest an inquiry as to the purpose of this wholesale padding of assessors' lists. In the first place, it furnishes the machine with an opportunity for repeating, the padded names being voted on by the repeaters. Not long since one man was convicted of repeating and admitted that he had voted thirty-eight times at the November election of 1898, and another admitted that he had voted thirty-three times on the same occasion. Secondly, it increases the councilmanic representation, the law providing that each ward shall have one common councilman for every 2,000 assessed voters. Thirdly, it furnishes names for fraudulent assessors and election officers. It was disclosed in the now notorious case of *Commonwealth v. Salter et al.*, that certain fraudulent names were put on the ballot and voted for and elected at one election. At the succeeding election the places of these names were taken by imported scoundrels who stuffed the ballot box to the extent of two hundred votes.

The following statement, taken from an editorial of one of the leading papers in Philadelphia, shows the value of this fraudulent padding of the list. These are the facts brought out in court in the case of *Commonwealth v. Hogan et al.*:

"That the assessor of the division kept a house of prostitution.

"That he had padded his list with fraudulent names registered from his house.

"That two of the names used as election officers were assessed from his house.

"That he was already under a criminal charge for like frauds as assessor.

"That a burglar only a month out of prison acted as an election officer under the name of one of the regular officers.

"That this burglar had formerly lived in the assessor's house and had been registered therefrom.

"That the constable of the division likewise kept a disreputable

house and had the assessor's list padded with fraudulent names as living in his house.

"That two others of the pretended election officers were assessed from that infamous place.

"That the constable's son fraudulently acted as an election officer under the name of some one else.

"That a policeman was likewise assessed as living in this abominable resort.

"That the major part of the more than 200 names on the assessors' list were registered from brothels, badger houses, gaming houses, and other places of revolting wickedness.

"That the election was held in the house of prostitution maintained by the assessor.

"That the man named as judge had also a criminal charge for a like offense pending against him.

"That 252 votes were returned in a division that had less than 100 legal votes within its boundaries."¹

In the fourth place, the padding aids jury fixing. The jury lists of Philadelphia are made up from the assessors' lists and it not infrequently happens that the fraudulent names go into the jury wheel and it is not difficult for the jury fixers to find pliable tools to take the places of the men named.

In 1894 the *Philadelphia Times* estimated that there were 50,000 fraudulent names on the assessors' lists in Philadelphia. In 1899, in its annual report, the Municipal League of Philadelphia estimated that the fraudulent assessments ranged from 30,000 to 50,000. *The Press*, a leading Republican journal, the editor of which is Postmaster-General of the United States, estimated that there were at least eighty thousand names on the list.

Even less comprehensible to the uninitiated than the purpose of these padded lists is the reason why steps are not taken to do away with the evil. In 1894 this was attempted. Out of 5,177 names assessed in the Fifth Ward Judge Hare struck off 1,150. Out of a total of 8,133 examined in other wards 1,071 were stricken off. But this availed little because of

¹ *The Record*.

the constitutional provision that "no elector shall be deprived of the privilege of voting by reason of his name not being registered,"¹ and because of the provisions of the act of 1874, carrying out the objects and purposes of the constitutional provision.² Of course, it is within the range of possibility to prevent the swearing in of those not entitled to vote; but the obstacles are staggering, as will be shown later. Even the formality of swearing in votes has in many instances been abandoned. Furthermore, a man who will cast an illegal vote will perjure himself, and a man who will aid a perjurer and repeater will not hesitate to commit perjury. So after the names are stricken from the list as the result of canvassing, it is entirely possible for every name to be voted on if pliable tools can be found, and these are not far to seek where election fraud obtains.

Even the easy provisions of the act of 1874 are disregarded, section 10 of which provides that:—

"Any person whose name shall not appear on the registry of voters and who claims the right to vote at said election shall produce at least one qualified voter of the district as a witness to the residence of the claimant in the district in which he claims to be a voter, for a period of at least two months immediately preceding said election, which witness shall be sworn or affirmed and subscribe a written, or partly written and partly printed, affidavit to the facts stated by him, which affidavit shall define clearly where the residence is of the person so claiming to be a voter; and the person so claiming the right to vote shall also take and subscribe to a written, or partly written and partly printed, affidavit stating, to the best of his knowledge and belief, when and where he was born, that he has been a citizen of the United States for one month and of the Commonwealth of Pennsylvania, that he has been a resident of the commonwealth one year, or, if formerly a qualified elector or a native-born citizen thereof and has removed therefrom and returned, that he has resided therein six months next preceding said election, that he has resided in the district in which he claims to be a voter for a period of at least two months immediately preceding said election, that he did not move into the district for the purpose of voting therein."³

¹ Article VIII, Section 7, of the Constitution of 1874.

² Section 10 of the Act of 1874, P. L. 75.

³ P. L. 35.

A careful examination of the records discloses that in a large number of instances the votes of non-assessed men are accepted by the election officers without requiring them to go through the formality of producing a voucher or swearing to the necessary affidavits, and a number of cases are now pending in the court, the gravamen of which is that the election officers have failed to require the proof required by law. The general disregard of the provisions of the act of 1874 has been largely due to the failure of the election officers to prepare and file lists of voters. Since the decision of Judge Beitler, in the autumn of 1900, to the effect that it is still incumbent upon election officers to file lists of voters in the office of the prothonotary for public examination it has been possible to ascertain to what extent election officers have been derelict in this particular regard.

Personal Registration.

The inadequacy of the laws relating to the registration and assessment of voters has led to an agitation for the introduction of personal registration. Pennsylvania is one of the few states in the Union that does not require a personal registration of voters in the cities, but depends upon the method prescribed in the act of 1891, *supra*, to provide election officers with a list of those presumed to be qualified to vote. An adequate personal registration law, however, cannot be enacted so long as there remains in the constitution the provision that "no elector shall be deprived of the privilege of voting by reason of his name not being registered." In 1897 a proposed amendment to the constitution providing for the elimination of this provision was introduced, but defeated. It was again introduced at the session of 1899 and passed both houses. Notwithstanding the substantial majority which was recorded for the amendment the Governor assumed the right to veto it; whereupon the Municipal League of Philadelphia, which had been

responsible for its preparation and introduction, at once instituted a mandamus suit in the Dauphin County court to test the right of the Governor to take this action. The lower court decided in favor of the Governor, but the Supreme Court of the state overruled the lower court and declared that the Governor had no right to interfere in any way with the submission of a proposed amendment to the constitution.¹ Under the eighteenth section of the constitution which relates to amendments it will be necessary for the proposed amendment to be passed by the present legislature, and then to be submitted to the people for adoption. The proposed amendment is permissive and not mandatory in form. It opens the way for an adequate personal registration law, and further does away with that constitutional provision which requires that all laws relating to the registration of electors shall be uniform throughout the state.²

It has all along been maintained by the country members and with much force, that they did not wish to subject the country districts to an elaborate personal registration scheme. Under the present constitution, the registration laws must be of uniform application throughout the state. Therefore, either the city must suffer from inadequate laws or the country districts must be burdened with a scheme of registration not required by the conditions existing there. Should the proposed amendment be adopted at the present session of the Pennsylvania legislature and approved by the people next fall, it will be possible for the legislature of 1903 to pass bills providing for the introduction of personal registration in the cities of this state, such as now exist in the state of New York.

Poll Taxes.

The Constitution of Pennsylvania prescribes the qualifications of electors to be as follows: First. He shall have been a citizen of the United States at least one month. Second.

¹ Commonwealth *v.* Griest, 196 Penna. State Reports, 396.

² Article 7, Section 8.

He shall have resided in the state one year (or if having previously been a qualified elector or a native-born citizen of the state, he shall have removed therefrom and returned then six months) immediately preceding the election. Third. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election. Fourth. If twenty-two years of age or upward he shall have paid within two years a state or county tax, which shall have been assessed at least two months and paid at least one month before election.¹

The provision requiring the payment of a state or county tax has been utilized by the political machines to introduce an elaborate system of petty bribery. Those who have not paid a tax on real estate or a state tax, such as is contemplated by the constitution, can qualify themselves to vote by paying a poll tax of twenty-five cents a year. Poll tax receipts good for two years are issued in great numbers, and for a long time grave scandals have been connected with their use. An attempt was made in 1889 to abolish the tax qualification in the constitution, but the amendment failed of popular approval largely because of machine opposition. The Act of 1897 was the second attempt made to deal with the evils incident to the payment of the poll tax. This act provides that "it shall be unlawful for any person or persons to pay or cause to be paid any occupation or poll tax assessed against any elector, except on the written and signed order of such elector authorizing such payment to be made, which written and signed order must be presented at least thirty days prior to holding the election at which said elector desires to vote." And further, that "It shall be unlawful for any officer, clerk or any other person authorized to collect taxes and receipt therefor, to receive payment of or receipt for any occupation or poll tax assessed for state or county purposes from any person other than the elector against whom such tax shall have been assessed, except

¹ Section 1, Article VIII, of the Constitution, 1874.

upon his written and signed order authorizing such payment to be made."¹

This law has been of very little use and is now quite generally ignored. It is true there has been some attempt to comply with its terms; but without any substantial result. A case is now being prosecuted in Philadelphia wherein the deputy collector issued receipts in wholesale, to division workers as needed, under the direction of the ward leader. A similar case in another ward is under investigation.

During the campaign prior to the election in November 6, 1900, it was discovered in one division of the Thirteenth Ward, the seventeenth, that the receipts were issued in precisely the same order as the names appeared on the assessors' lists. I have since discovered that all the tax receipts in the twenty-first division of the Twenty-second Ward were issued in the same way. The voters in these two divisions must have applied to the tax receiver or his ward deputies in precisely the order in which they were assessed, or else their receipts were purchased for them by the politicians. The former is quite improbable.

As a matter of fact, the usual practice is for the division committeemen to make out a list of those assessed voters who have failed to buy receipts and then secure the needed ones from the ward deputy, who is usually a political appointee. The money for these purchases is supplied by the ward committee. Then blank tax receipts are often issued in bulk, the name of the assessed voters being filled in on the stub, but the receipt left blank. It not infrequently happens that a receipt turns up made out in a name for a division and ward which do not correspond with the name and ward and division entered on the stub. While it has not been positively determined, it is quite possible that in cases like those cited, where large numbers of receipts are issued in regular rotation, the stubs only contain the names in such order, and that the receipts are left blank to

¹ Act of 1897, sections 1, 2, P. L. 276.

be filled in on the day of election with such names as may be required.

Forged receipts are also issued in large numbers. A year ago the chairman of the Prohibition Committee received a large batch of them through the mail, and I have now in my own possession a number of receipts of which no trace whatever can be found in the tax receiver's office. Of course it is impossible even to approximate the number of such receipts, for there are no data upon which to base an estimate. Suffice it to say that the "machine" workers are always supplied with receipts, so that no one desiring to vote the "machine" ticket may suffer for want of one. In Pittsburgh, I am informed by a well-known political leader, that both sides have agreed to disregard the tax qualification and there is no challenging on this line; a statement that finds ample support in the facts disclosed in the Guthrie contested election case of 1896.

In October, 1900, 127,375 poll-tax receipts were issued, an unusually large number, due to its being a presidential year. It is estimated that 80,000 of this number were purchased by political organizations. In January, 1900, the tax receiver rejected 20,000 orders filed by the Republican City Committee because of his belief that the orders were fraudulent. To avoid a similar experience, in the autumn the City Committee purchased its receipts through the ward deputies, a much more complaisant set of men, judging from the developments in the cases already investigated.

Lists of Voters.

The padding of the assessors' lists was for eight years reinforced by the failure of election officers to make lists of voters, as required by the acts of 1839 and 1874. This failure to prepare lists as the voting progressed, and to file them in the office of the prothonotary, not only handicapped, but effectually stopped, the detection of fraudulent voting

when the election board was friendly or subservient to the "machine." There was no evidence available that fraudulent names had been voted on, except that of the election officers, and experience had shown that this was a poor dependence.

With no vouchers filed, as required by the act of 1874 *supra*, and no list of voters filed as required by the acts of 1839 and 1874, the "machine" had everything its own way and the fraudulent vote mounted up rapidly. The abnormal Republican majorities began in 1892, the first year in which there were no lists of voters prepared and filed. Since then there has been a continuous increase until it reached the maximum in February, 1899, when Samuel H. Ashbridge, the present mayor, was given the unprecedented majority of 122,241. Ashbridge, Republican, received 145,778; Hoskins, Democrat, 23,557 votes.

In February, 1900, the Municipal League of Philadelphia instituted a case to determine whether the decision of the county commissioners, not to instruct the election officers to prepare and return lists of voters, was justified in law. After many vicissitudes the case was argued by District-Attorney Rothermel on behalf of the commonwealth, in support of the League's contention that the provisions of the acts of 1839 and 1874, requiring such lists, were still in force and effect. The attorneys for the county commissioners, Messrs. Brown and Fow, maintained that these provisions had been repealed by the act of 1891 (although the commissioners needed a whole year to come to this conclusion, having given the usual instructions after the passage of the act of 1891 up to the fall of 1892). Judge Beitler, in an elaborate opinion, overruled the commissioners and flatly decided that the two election clerks must make up lists of voters, one of which was to be filed in the prothonotary's office with the other election returns.¹

¹ 9 District Reports, page 632.

Secrecy of the Ballot.

The disability clause of the Act of 1893, which reads:

"If any voter declares to the judge of election that by reason of any disability he desires assistance in the preparation of his ballot, he shall be permitted by the judge of election to select a qualified voter of the election district to aid him in the preparation of his ballot, such preparation being made in the voting compartment,"¹

has been generally used by "machine" workers to control the easily intimidated vote. Where there is any doubt as to how a subservient voter intends to mark his ballot, or where there is doubt as to his ability to mark it, the worker insists that the voter take him into the voting compartment. Very often it is made a condition that the worker shall accompany the voter. To refuse is to create suspicion and it is not an unusual sight in some sections for the boss of the division to go in with every office-holder. In one division the boss marked thirty-five ballots, in some instances the voter not taking the trouble to go into the voting compartment, allowing the boss to take the ballot and mark it by himself. In another division the record of a watcher showed that the division boss, who was also the ward boss, had assisted 112 voters to mark their ballot. The banner division, however, is one in the Second Ward, where there are 158 voters of Italian birth to 8 of American or Irish birth. Yet the ballot of every Italian who voted was marked by one of the Irish-American voters. The returns showed that all who voted agreed with the worker who did the marking.

There is practically no longer a secret ballot in Philadelphia. The abuse of section 26 of the Act of 1893, as just mentioned, destroys it for a large number of the ignorant and easily intimidated and the form of the ballot destroys it for the rest. The law of 1893 provides for a straight ticket. The voter who supports the regular Republican or Democratic ticket can therefore vote his preferences by a single cross in the circle

¹ Act 1893, Section 26, P. L. 432.

at the top of the column containing the party ticket, which can be done in a very short space of time. The independently inclined voter, however, must mark each name with a cross, and this consumes much more time than voting a straight ticket. Consequently political workers can tell to a nicety whether a voter is voting straight or cutting. I have been in the election booth on occasions when there has not been a difference of more than two or three in the unofficial tallies kept by party workers and the official count of straight and cut tickets.

Not only is the secrecy of the ballot violated in the two ways indicated, but in many divisions the curtains required by law are taken down so that there is an unobstructed view of the interior of the voting compartment and every movement of the voter is discernible.

Intimidation.

Intimidation plays a large part in election methods. We have already mentioned one form of it, that of the political worker insisting upon marking the ballot, but by far the most dangerous and intolerable form is that of police intimidation. The Municipal League recently issued a leaflet entitled "Stumbling Blocks," which contains ten instances of brutal police interference and intimidation at the election held on November 6, 1900. The following case is quoted as illustrative of the others:

"The conduct of policemen and others in the fourteenth division of the Fourth Ward on election day was fully described before Magistrate Eisenbrown yesterday, when Police Sergeant William Morrow, of the Second and Christian streets station, and Robert and John Briscoe, colored, were given hearings. The police sergeant was charged with assault and battery and with illegally arresting Patrick C. McBride, judge of the election. The Briscoes were charged by McBride with assault and battery and with having attempted to kill him. McBride told how Sergeant Morrow and a dozen or more policemen loitered about the polling place from the time the polls opened. They were closed when the riot occurred at noon. 'A man, Miller by name,'

said the witness, 'entered the polling place a few minutes past twelve o'clock. He was accompanied by Robert Briscoe. Miller wanted to vote and Briscoe turned to me and said: "He wants me to assist him in the marking of the ballot." I asked Miller if he could read and write and he said he could. "Well, then," I said, "you need no assistant," and I told Briscoe he would not be permitted to give the voter any assistance.

"Just then Robert Briscoe drew a revolver and after pointing it at me fired. John Briscoe also drew a revolver and shot at me. The polling place was then filled with an excited crowd and while I was endeavoring to escape some one struck me with a blunt weapon. I was dazed and when I recovered I was bleeding, and upon reaching the door Sergeant Morrow grabbed me and pulled me out on to the pavement.'

" 'I'll send you to the hospital,' he said. *'Instead of sending me to the hospital he sent me to the Central Station, where I was locked up.* Another policeman had the man who assisted in the shooting and he let him go.'

"At the conclusion of the testimony Morrow was held in \$1,500 bail and the Briscoes in \$2,000 bail each."¹

Why a judge of election should be locked up for seeking to do his duty is beyond the comprehension of ordinary citizens, but is apparently entirely clear to the police, whose conduct on such occasions tends to deter others from doing their duty.

The policemen take their orders to do rough political work because they know that their positions depend upon it. Citizens accept rough treatment from the police because they fear the consequences of complaint. In the sections where "roughing it" prevails, the population is not one marked by a careful and scrupulous compliance with the law and a hostile policeman can prove to be a source of great annoyance. On the other hand, a friendly policeman can conveniently overlook little infractions which might otherwise prove serious breaches of the peace. Just so with the police in their relations "to the front." The patrolman who obeys his political orders need have little fear that his delin-

¹ *The Press*, November 28.

quencies will find him out; but the one who thinks and acts for himself in matters political must needs keep close guard on himself and refrain not only from actual but from fancied wrongdoing. Within the past few months a lieutenant and two sergeants whose political affiliations or views did not suit the machine were dismissed on trivial charges,¹ notwithstanding that each one had upwards of twenty years of honorable service on the force to his credit.

An annoying and yet effective form of intimidation is that of sending anonymous or forged threatening letters to intending voters, alleging that an attempt to vote will be followed by prosecution. In the mayoralty campaign of 1895 the following letter was sent out in large quantities:

"INDEPENDENT CITIZENS' COMMITTEE,
"Room 1231 Drexel Building,
"PHILADELPHIA, *Feb. 16, 1895.*

"DEAR SIR:

"Upon a careful examination of the records in the office of the Receiver of Taxes, we find that your name does not appear as having paid a State or County tax within two years.

"You are, therefore, not entitled to vote at the coming Election.

"Voting, or attempting to vote, without the payment of tax is a misdemeanor punishable by fine and imprisonment.

"This Committee have engaged the services of eminent counsel and intend prosecuting all persons who cast or attempt to cast illegal votes.

"By order of the Executive Committee.

"CLIFFORD ROBERTS WOODWARD,
"Chairman.

"C. HENRY WOOD,
"Secretary."

There was no such committee and there was no such room. The names were intended to create the impression that the circular had been sent out by R. Francis Wood, the well known secretary of the Pennsylvania Civil Service

¹ The Philadelphia Press.

Reform Association and by myself. The effect of such a letter was to keep the person receiving it from voting because of the fear that there might be something wrong with his receipt if he had one or because he did not care to be subjected to possible challenge at the polls. The average voter is timid and dislikes exceedingly any objection to the exercise of his right. Rather than run any risk many will not go to the polls if they have any thought that they are likely to have any trouble. Fully 75 per cent of such letters are effective either directly by causing the voter to stay home or in creating a feeling of resentment against those suspected of sending it, namely, those who are thought to have signed it.

Conclusion.

There are many other election methods pursued, such as holding back the returns until the number of votes needed is determined, then altering them and allowing the division boss to call off the vote from the ballots to suit his purposes; but these methods are incidental rather than general, as is also the stuffing of the ballot box, such as was practiced in the thirteenth division of the Seventh Ward, at the November, 1899, election, in the now famous Salter case. The general methods most frequently practiced are those which have been described at some length and the reason is obvious. The chances of detection are reduced to a minimum.

Accompanying the practice of the methods I have described there has been a general laxity of administration of the election laws which has materially aided fraud. The distribution of ballots is negligently done so that it is by no means difficult for a corrupt politician to gain possession of them in advance for his use. We have already noted the laxity which prevails in the matter of maintaining curtains and how this interferes with the secrecy of voting. In many divisions the election return sheets are signed before the official count is begun, and so I might enumerate many other practices which

prevail that in themselves are somewhat trivial and not so very reprehensible, and yet when combined with a corrupt intent by a shrewd and unscrupulous manipulator aid powerfully in the perpetration of fraud.

The Ballot Law of 1893 was intended to remedy many existing defects, but it has improved the situation but little. True the ballot is now prepared and distributed by public officials, and this marks a gain over the former system of private or partisan preparation and distribution ; but the defects are still many. The objections to the present law are perhaps best summed up in a statement issued by the Union Committee for the Promotion of Ballot Reform and the Merit System in Pennsylvania, comparing the existing law with the proposed bill drafted by the Pennsylvania Ballot Reform Association and advocated by the Union Committee, as follows:

THE PRESENT BALLOT IS:

COMPLEX.—There are two, and under some conditions three ways of marking. This puzzles the voter and leads to errors and litigation. The arrangement and duplication of names, the extraordinary number of columns, the location of exclusively county tickets in the lower half of the sheet, are all bewildering.

UNFAIR.—It favors certain groups of candidates and discriminates against others. It makes distinctions between citizens, placing difficulties in the way of the thoughtful and considerate, and making it easy and instantaneous for the careless. This decrees an inequality of citizenship, handicapping the thinking and giving the thoughtless every advantage. The Constitution declares that "Elections shall be free and equal."

UNCERTAIN.—There is an ever-present risk in marking in any other way than within the circle. Only the most scrupulously careful elector feels reasonably sure that he has succeeded in expressing his conviction as he wished to do. Time, thought and close scrutiny are required of one voter and a premium is placed on carelessness and inconsiderateness for the other.

THE PROPOSED BALLOT IS:

SIMPLE.—There is only one way to mark it and there are no perplexities in the instructions. The voter's intent is not open to misconstruction, and the question of legal entanglements is eliminated. No name can appear upon it more than once. The arrangement is uniform at all elections.

FAIR.—Every candidate and every voter is upon an equal footing. This is the intelligent, practical and square method indispensable to the permanence of a democracy. An equal chance is given to all—"a fair field and no favor," and precisely the same amount of work is required of every voter; none is weighed down and none is favored—each must make the same number of marks.

SAFE.—There is no room for doubt. The elector is voting for some person or persons for a specific office, and beneath the title of each office, finds the statement as to how many he should mark as well as the party designation of each candidate. That the form is easily adaptable is demonstrated by the operation of the Crawford county system of primary elections, by which candidates are voted for directly and are chosen by electors out of long lists of names. The ballot is not experimental, being in successful use in Massachusetts, Rhode Island and other places.

PUBLIC.—Every person in the polling place knows whether the elector marks a straight or a split ticket from the relative length of time taken to mark the ballot. This is against the spirit of the law forbidding a disclosure of the vote, and it robs the elector of the sense of perfect freedom, which is his by right of intent of the law.

INEFFICIENT.—There is no reasonable classification affording the voter who may wish to exercise particular care regarding a certain office, proper facility for picking it out. He is hampered instead of helped. Our government is based upon the idea that each officer shall be chosen specifically with regard to the duty he has to perform, but the ballot we now have distinctly operates against this.

CUMBROUS.—The enormous size of the ballot, the multiplication of columns, the ridiculous deserts of blank space, the repetition of names and titles, and use of columns as mere implements to punish some one, or by false pretence to add to another's strength, all contribute to the arraignment of the present unwieldy monstrosity. The actual ballot from which the within specimen was made in accordance with the provisions of the new measure, was 24 inches wide and 18½ inches long. There were 64 persons named upon it, though the number of names was made, by repetition, to appear as 93. One candidate was placed at the head of four columns and another appeared in five. There were 88 groups or sets of offices and the words "Mark one" or "Insert one" were printed a similar number of times. By actual measurement there were 8¾ lineal feet of absolutely wasted space, including 30¾ inches totally blank, 36½ inches in unnecessary repetition of titles and 20¾ inches in needless headings. The sheet is difficult for election officers to handle, hard to put in the ballot box, and often compels officials to send for another receptacle.

COSTLY.—There is quite a draft upon every county treasury due to the expense of paper and printing.

SECRET.—Every elector must spend about the same time in the booth while marking his ballot, and there is no way of knowing how he votes. This secrecy makes secure the independence of all citizens. The helplessness may have aid, but the proposed law provides that the assistant must be sworn.

COMPLETE.—It makes each office stand out distinctly and, accordingly, fixes a standard of merit. It fulfils the first requirement of a ballot—that it shall facilitate the recording of the real thought of the people. It is a fully competent instrument.

COMPACT.—That it is sensible is apparent. Its condensation and simplicity readily commend it to the eye. Every name can be found quickly, and when it is found, it is with the knowledge that it is nowhere else. The party designation stands out clearly. There is no waste and no maze. The ballot, with a liberal margin, is 9¾ inches wide and 15 inches long. The type used is a reproduction of that on the official ballot from which it was copied. It has upon it everything needful that the blanket sheet, from which it was condensed, had. It is easy to handle, not hard to get into the ballot box and can be counted with fewer difficulties than the present ballot.

INEXPENSIVE.—It would not cost half as much as the present form.

I have sought in this article to set forth clearly and concisely the actual conditions relating to Philadelphia elections, and to indicate the reforms needed to eliminate existing evils, and to protect the exercise of the franchise from fraud, corruption and mischance. Only a few of many instances have been cited in support of statements; but sufficient to

justify the contention that there is an immediate need for action on the part of those charged with the duty of legislating on the subject. What we need in Pennsylvania is a complete election code ; but pending its drafting, there should be a general effort to secure the enactment of the Ballot Bill just referred to and the adoption of the Registration Amendment.

CLINTON ROGERS WOODRUFF.

Philadelphia.

THE REORGANIZATION OF RAILROADS.

The consolidation of the leading trunk line railways during the last two years, a movement which seems to promise at no distant date the union of the entire railway system of the United States under a single management, draws attention to the thorough-going readjustment of the securities of doubtful roads which paved the way for the consolidation. The panic of 1893 revealed the precarious condition of many of the largest systems in an unparalleled series of bankruptcies. At one time 52,000 miles of railway were in the hands of receivers. The searching examination of their affairs which followed their efforts for rehabilitation revealed the facts that the bankrupt roads were greatly overcapitalized, that their bonds were improperly secured, that their traffic agreements and leases were often a burden rather than a help, and that in many cases they had been badly, even fraudulently, managed. With these facts before them, the financiers to whom the task was committed by the bondholders set about the work of reorganization.

The reorganization of a bankrupt railroad is a settlement of the claims of the different parties in interest on such a basis that the property can be released by the court and again managed as a going concern. Reorganization does not imply a sale for the benefit of creditors. The conflicting interests of a great railway system are so many and various and the complexity of the system is so great, being made up as it is of numerous parts which have been slowly welded together in the growth of the system, divisions, branch lines, subsidiary companies and terminal companies, each branch and section, moreover, having been long since covered with mortgages of different age and degree, while the terminals are represented by a separate issue of bonds, the rolling stock by another, and the whole covered over by a general mortgage, the complexity of such a structure, to

repeat, is so inextricable, that an attempt to carry out in literal detail the provisions of the mortgages would be not merely expensive and inconvenient, but unjust and unlawful. It is expensive and inconvenient because, for any class of bondholders to purchase the road outright, involves a settlement of the claims of other creditors on a cash basis, a transaction enormously costly and correspondingly tedious; whereas to attempt a foreclosure of branch line mortgages or sectional mortgages, whose security is valuable because of the fact that they are integral parts of a large railway system—to foreclose and take these separate pieces of railroad out of their connection with the system as a whole, would greatly impair their value. It is unjust, because the value of a railroad at a forced sale, when it is covered with the stigma of default and under the cloud of bankruptcy, when, moreover, as is always the case, its earnings are far below their normal level, and when the demand for securities from the public is weak and uncertain, does not represent its real value. A foreclosure sale is unjust to stockholders and junior bondholders in that it would seriously impair, if indeed not entirely destroy, the value of their securities. It would force a sale under unfavorable conditions at a time when purchasers are not to be had, and when the property is unduly discredited and depreciated.

A foreclosure sale is manifestly impossible, but the interests of the security holders and of the financial world point to a speedy settlement. The road must be placed upon its feet with the least possible delay. So long as its affairs are unsettled, the values of its securities, with the exception of certain divisional and terminal bonds which are too well secured to be in any way affected, are abnormally low, lower even than the value which the diminished earning power of the road would naturally assign them. This unnatural depreciation applies particularly to all junior bonds and to the stock, the securities, in other words, which will naturally be disturbed in a reorganization. The uncertainty as to

their future greatly depresses their value. Those persons whose capital is invested in these discredited securities are unable to realize on their investment for fear of utterly breaking the weak market, and increasing the weight of losses which are already severe. Banks and trust companies have taken such stocks and bonds as collateral, and, pending a settlement of the value of these securities, their loaning power is to this extent reduced. The banks are unable to sell the collateral for fear of loss, and without a reorganization the loans which they have made on the basis of those securities cannot be paid. All interests are equally concerned to reach a speedy reorganization of a bankrupt corporation. Unless some attempt is made to treat some interest unfairly, the operation is quickly concluded. The welfare of every interest points to an amicable settlement which shall preserve the integrity of the system, and equitably apportion between the stock and bondholders the losses which have been sustained by the road. The courts have always taken this view of the matter, and have sometimes gone so far as to recommend to conflicting interests that they make haste to arrive at a settlement of their difficulties in order that the receivers might be discharged.

Objects of Reorganization.

The objects of reorganization are (1) to pay off or fund the floating debt; (2) to provide funds for betterments and for working capital; (3) to reduce fixed charges within a conservative estimate of net earnings.

The payment of floating debt is of first importance. A large floating debt is a constant menace to the safety of any railroad. The Reading emerged from a receivership in May, 1883, under a plan of reorganization which did not make adequate provision for the floating debt. The result was that in June, 1884, the road was again in the hands of a receiver. The maintenance of a large floating debt is also a

heavy expense because of the necessity of frequent renewals, which must often be met at a time of financial stringency. The Reorganization Committee of the Atchison, Topeka & Santa Fé, in the report of 1895, stated that during the five years preceding the road had paid over \$1,100,000 in discounts and commissions to secure the renewal of \$9,000,000 of guarantee fund notes. As an unsecured claim, floating debt is inferior to bonds, except in so far as it represents arrears of wages and payment for supplies. Floating debt, however, is usually very well secured. It represents advances by bankers, trust companies, or large individual capitalists, and is fully secured by collateral which, in its turn, is secured by property indispensable to the operation of the system. The Reading Railroad Company in 1892 deposited \$12,000,000 of collateral to secure \$2,000,000 of loans. The holders of floating debt are thus in a position to demand full recognition. If their claims are not paid they can either present the bonds which they hold as collateral to be taken care of in the reorganization, or they can make trouble by selling these securities, and injuring the credit of the company which is being reorganized. Moreover, the trustee of collateral bonds is usually authorized, in case of default, to apply the income from the collaterals to the payment of the interest due, and if any surplus remains to apply it to the principal payment if a forced sale of these securities seems inadvisable. The first object of every reorganization is therefore to provide for the floating debt.

The physical condition of the road next demands attention. Road-bed, track, bridges and equipment have been allowed to deteriorate before the failure, money may have been taken from betterments to apply to dividends, and the facilities of the road are entirely inadequate to accommodate the traffic which it would otherwise secure. While the receiver is in control he usually finds it necessary, in order to keep the road in operation, to make large expenditures for betterments. Much, however, still remains to be done

in the same direction before the railroad can be considered safe. The Reorganization Committee of the Northern Pacific Railroad estimated that at least eight million dollars must be spent on the road in a very short time. If the new arrangement is to be permanent, if the road is to be secured against future disaster, and if it shall gain its full share of a growing traffic, it must be put in the very best physical condition. The earnings of the Chesapeake & Ohio Railroad, which was reorganized in 1888, and has since been managed by Drexel, Morgan & Company, who financed the reorganization, have been largely increased as a result of the heavy expenditures upon road-bed and equipment which were provided for in the readjustment. It is not necessary that the entire amount necessary for this purpose should be raised at once. Nay, more, if the earnings of the road improve, these special appropriations may possibly not be required. Some guarantee, however, there must be for this purpose if the reorganization is to be successful.

The reorganization managers should also provide that the net earnings of the system, on a minimum estimate, should insure a good margin above fixed charges. Unless this is done, at the next season of trial, net earnings may again fall below interest requirements, and another surgical operation will become necessary. It is not necessary, and it is never provided, that fixed charges should be so much reduced as that an estimate of net earnings, based on present conditions, would assure the immediate payment of dividends. Such a course would be unfair to bondholders. If reviving business increases earnings to the point of dividend payment, that is the good fortune of the stockholders; but the bondholders cannot in reason be asked to submit to a greater reduction in their claim than is sufficient to enable the road, out of its net earnings, to pay interest and provide for working capital, renewals, and betterments. It is customary to take the net earnings of years preceding the default as the basis of reorganization. This is, however, compared with the more

favorable figures of former years in estimating the ultimate loss which must be sustained.¹

Methods of Reorganization.

The first step in carrying through a plan of reorganization is usually the formation of committees to represent the owners of different classes of bonds and stocks. This may not be necessary. The receivers or the directors may themselves formulate a plan of reorganization, or they may appoint a committee to formulate such a plan, to which they invite the assent of the security holders. If the plan proves satisfactory, it may, without further proceedings, at once be put into effect. It is seldom, however, that this method of settlement can be adopted. Holders of different classes of securities which are unequally burdened by the plan of reorganization, although the terms proposed may be as fair to all interests as any subsequently obtained, are unlikely to consent to any plan which they have had no hand in framing. The formation of committees is sometimes delayed until a preliminary plan can be considered. If this proves unacceptable, the disaffected interests proceed to organize in self-defence. Particularly when the bonds are held abroad, has it been usual for protective committees to be appointed to represent the interests of English, Dutch and German investors. These committees are appointed in different ways. The simplest plan, as above noted, is for the receivers or directors to appoint a committee to draft a plan. Such a committee, however, represents no interest and is merely advisory. The first reorganization plan of the Erie Railroad in 1893 was proposed by a committee appointed by the receivers, and the reorganization plan of the Wabash road in 1886 was proposed by directors. It is not often, however, that a plan thus proposed

¹ The Northern Pacific committee, in one instance, refused to consider, in their estimate of net earnings of the previous year, the sum of \$363,000, a loss which they claimed had been due to "exceptional circumstances," altogether unlikely to recur.

secures the consent of the creditors. Another method is for a meeting of bondholders to be called for the purpose of appointing a committee. This was done in the case of the Richmond and West Point Terminal in 1892. Such a committee is temporary, and, as a rule, contents itself with proposing a plan for the consideration of other interests. But it is when dissatisfaction with proposed plans arises, that bondholders and stockholders hasten to unite. The method now usually employed is for large individual holders to constitute themselves or their representatives a committee to take charge of the interests of a particular class of securities, and to invite creditors or stockholders to signify their consent to this arrangement by depositing their securities with some designated agent. If a majority of the securities are thus deposited, the self-constituted committee becomes representative, and is legally entitled to act in the reorganization proceedings.¹

Stockholders' reorganization committees are of more seldom occurrence; and are resorted to only when a proposed plan of reorganization is so manifestly unfair as to give the injured party a standing before a court. Thus, in the first plan for reorganizing the Texas & Pacific Railroad in 1886, which was brought forward by the Gould interest, it was proposed that the stockholders pay an assessment

¹ On June 10, 1885, certain holders of the first mortgage bonds of the New York, West Shore & Buffalo Railroad issued a circular, in which, after setting forth the danger that the other creditors of the road would secure themselves, to the prejudice of the bondholders, they made the following proposition: "It becomes imperative for the bondholders, therefore, to combine and take immediate action to protect their own interests. To that end, the undersigned—themselves bondholders, and with no other interest in the property, directly or indirectly, except as such—constitute a committee for the purpose of enforcing all the rights of the bondholders under the mortgage, and of securing to them ownership of the property which it covers at the earliest possible date. That the efforts of the committee will meet with vigorous opposition is evidenced by the repeated threats of those whose representations induced the purchase of the bonds that foreclosure of the mortgage can be delayed for many years. But the committee, satisfied that to foreclose the mortgage and take the property is the only way now open to the bondholders, is ready to accept the issue and undertake the work." A majority of the bonds were placed in the hands of this committee and it forthwith became representative.

which practically amounted to two-thirds of their holdings. The stockholders immediately placed their interests in charge of a committee which co-operated with other committees representing different classes of bonds, and succeeded in reducing the assessment from $66\frac{2}{3}$ per cent to 5 per cent, which later was generally considered to be a fair amount. As a rule, however, the stockholders have had no opportunity to make their slender claims felt in reorganization proceedings.

The next step in the reorganization is the formation of a new company in which is vested, after foreclosure sale, such portions of the property of the old company as it is thought wise to retain, and which either assumes the obligations of the old company in their original form, or secures such modifications and reductions in their amount as are necessary to the success of the new company. In the conditions of exchange of the securities of the old company for those of the new the objects of reorganization can be attained. This exchange of securities serves a two-fold purpose. It makes possible a concentration and simplification of the system by uniting branch line and terminal securities, car trust certificates, equipment bonds and other heterogeneous fragments of investment under single issues, which are more easily managed, better secured, and of higher value than those which they displace and it affords a basis of settlement with those interests whose securities are disturbed by the reorganization.

Consolidation of Securities.

An illustration of the effect of reorganization in unifying the securities of a road is afforded by the Atchison reorganization of 1896, the results of which are presented in the following table :

List of securities before organization.	List of securities to replace them.
Chicago & St. Louis, first mortgage 6's .	Chicago & St. Louis, first mortgage 6's.
Guarantee Fund Notes 6's.	
Equipment Trust, series A	Four per cent general mortgage.
Equipment lease warrants.	
Miscellaneous unconverted bonds. . .	Four per cent adjustment bonds.
General mortgage 4's.	
Second mortgage "A" 4's.	Preferred stock.
Second mortgage "B" 4's.	Common stock.
Income bonds.	
Capital stock.	

Not only are the securities which are disturbed in the reorganization consolidated and unified, but provision is further made for the creation of sufficient securities to be issued in exchange for all undistributed divisional bonds as they come due. The advantages to be derived from this simplification of a railway system are set forth in the circular issued by the reorganization committee of the Northern Pacific Railway. The property of this company consisted of a railway system of 5,706 miles, a land grant of 43,000,000 acres, and sundry bonds, stocks and accounts representing interests in terminal, express, coal and navigation companies. This property, before the reorganization, was represented by fifty-four corporations which had issued \$380,000,000 of stocks and bonds. The circular continues:

"As it now stands, the system, in its form of incorporation and capitalization, is a development without method or adequate preparation for growth. Scarce any single security is complete in itself. The main line mortgage covers neither feeders nor terminals. The terminal mortgages may be bereft of their main line support. The branch line bonds are dependent upon the main line for interchange of business, and the main line owes a large part of its business to the branch lines."

It was evidently a great advantage to this road to have its various parts firmly united under one set of securities, for which the entire system, complete in every part, with all its

property under its immediate control, stood sponsor. By this reorganization, moreover, a sinking fund provision, attaching to the land-grant bonds, which, by requiring the payment of a fixed proportion each year, rendered the life of each bond uncertain, and seriously depressed the value of the entire issue, while, at the same time, injuring the company in those years when it was necessary to sustain the sinking fund out of the net earnings. The Erie Railroad offers another example of an advantageous union of conflicting interests by means of a reorganization. The Committee of Reorganization remarked as follows :

“ The Erie System is made up of the lines known as the New York, Lake Erie & Western, the New York, Pennsylvania & Ohio, and the Chicago & Erie roads. These two latter are operated by, or for the Erie, upon the guaranty that a fixed proportion of their gross earnings shall be paid without regard to the actual interests of the business. This arrangement is inherently weak and develops a conflict of interests between three companies that ought to be close allies ; and it also checks development and improvement (which are especially necessary in respect to the N. Y., P. & O.) as expenditures for such purposes are beyond the ability of the Erie, which has no *real* proprietary interest in these lines and no means of securing reimbursement for betterments upon them. The permanent removal of these troubles is most desirable. In order to remove them, and to establish the community of interests above referred to, the annexed plan proposes to consolidate or otherwise unite the three corporations. The new company will, so far as practicable, be vested with direct ownership of the various properties, comprised in the system by avoiding the necessity of keeping up the separate existence of a large number of the subsidy companies controlled by the present company.”

A more important use is found for the new securities in exchanging them for the disturbed securities of the old company. These securities may be disturbed in various ways—by assessment, by conversion into other claims of inferior lien, by reduction of interest, and by reduction of principal. Most important of these changes are those resulting from assessment, and from the conversion of junior

mortgages into claims upon profits. The nature and results of assessment will first be considered.

Assessment upon the Stockholders.

In every receivership, large sums must be raised to lift the bankrupt out of the mire of difficulty. Floating debt has accumulated and must be paid. Unpaid interest has piled up to disheartening heights, and the expenses of the reorganization are by no means small. This is to say nothing of the expenses of betterments and repairs, which, indeed, as will be presently shown, can be spread over a long period, and dealt with in different fashion. The cash requirements of the Baltimore & Ohio in 1896 for unpaid interest were \$4,565,000, for car trust certificates, receivers' certificates and other obligations, \$19,192,000, and for floating debt, immediate improvements, equipment, working capital of the new company and reorganization expenses, \$12,334,000, making a total to be raised of \$36,092,000. The managers of the Erie reorganization of 1895, had to provide for reorganization first lien bonds \$2,500,000, for collateral trust bonds \$3,344,000 and for floating debt and equipment trust notes, \$13,500,000, a total of \$19,344,000.

This money can be raised in two ways—by assessment upon the different interests concerned, according to the degree to which the nature of their securities renders them liable to imposition, and by the sale of the general mortgage bonds of the company. In rare instances, also, securities already held in the treasury have been sold. Most of the floating debt consists of short time loans, secured by bonds and stocks, of which the company is still the owner. It might seem that this property could advantageously be sold to pay the debt which it secures. A large amount of floating debt has to be paid. This floating debt is secured by collaterals, whose market value is sufficient to pay the obligations which they secure. The

company must pay this debt in any event. Why not allow these securities to be sold and thus obtain the means of liquidation? This method for paying floating debt has never, in hardly any important reorganization, been so much as considered. On the other hand, the road always regains possession of these collaterals by paying its debts with funds raised in some other manner, and redeposits them in its treasury. In only one important instance do we find the plan of selling collaterals to have been adopted. The Baltimore & Ohio Railroad in 1896 sold \$3,500,000 of securities which it held in its treasury to raise a part of the cash required in its reorganization. This case offers an explanation of its exceptional nature, and shows why other roads did not pursue the same policy. The greater part of these collateral securities consisted of Western Union Telegraph stock acquired some years before in exchange for telegraph interests of the Baltimore & Ohio Railroad. These securities, therefore, represented a "clear asset" of the railroad company, an asset, that is to say, the possession of which was in no way essential to the integrity of the system, and the loss of which would not diminish its earning power. Such property as this would naturally be sold as the most available means to raise money. Nor could the creditors fairly object should the court authorize such a sale. "Clear assets" such as these, form no part of the security of the bonds, and could be sold for the benefit of the stockholders—the real owners as yet of the bankrupt road—without in any way decreasing the value of their bonds. In such a case as that presented by the Baltimore & Ohio, securities which are the property of the road can be sold to obtain the funds required for the reorganization. But collaterals, as a rule, are not "clear assets." They are the bonds and stocks of branch railroads and various subsidiary companies which are component parts of the general system, and directly contribute to its earnings. It would be both unwise and unlawful to sell them for the payment of the floating debt.

It would be unwise because, deprived of its branch lines and subsidiary companies, the road would be seriously crippled by the loss of the long-haul business contributed to it by these feeders. These branch lines, moreover, might be acquired by its stronger rivals at a time when the market value was low, and the position of competing roads might thereby be strengthened at the expense of the system from whom these feeders had been taken. The sale of these collaterals would furthermore be inequitable and actually unlawful. It would be inequitable because it would impair the security of all the bonds which is the capitalized value of the net earnings essentially of the entire system. These bonds, moreover, may have been bought by their present holders at prices increased by the improved security which these feeders had furnished. Such a sale is, moreover, unlawful, because branch lines and subsidiary companies are expressly covered by some mortgage and could not be sold for the benefit of any but the holders of the bonds which they secured.

Cut off from the recourse of the ordinary bankrupt, the bankrupt railroad which is struggling toward the surface has first resort to assessment upon stockholders. The stockholders, so it is commonly held, are the risk takers. They receive the extra profits, and it is but just that they should bear the brunt of the loss. The stockholder is, in the common run of opinion, the entrepreneur, the active man of business, who is in position to take advantage of the extra gains of prosperity, and who should now be willing to shoulder the burden of calamity and misfortune. This view of the case does not describe the real situation. The stockholder has, through his representatives, placed certain mortgages upon his property, agreeing in the terms of the mortgage contract that if the stipulated interest were not paid, the property could be sold for the benefit of the creditors. The contingency provided for in the contract has arrived, and the interest cannot be paid. The stockholder

is now confronted with an alternative. The creditors are willing to forego their rights of purchase—being constrained to this consent through the difficulty of dissolving the system into its component parts—on condition that the floating debt be paid, and the railroad again placed squarely upon its feet. Nay, more, they are willing to consent to a reduction of fixed charges in order that the danger of future bankruptcy may be removed. They demand, however, as a condition of their forbearance, that the stockholders shall provide the cash which is immediately required. If the stockholders can raise the money, they may retain their interest in the road. Failing to do this, they must submit to one of two alternatives, either one of which will destroy the value of their stock. The road may be offered for sale, in which case the bondholders can employ as means of payment their own securities at par value, or the stockholders may resign their rights to other persons who are willing to take the chance offered to the stockholder and, by paying the assessment, become partners in the new company. If the second alternative be accepted, the stock is destroyed. If the stockholders accept the first and compete with the bondholders for the purchase of the road, they must undertake the impossible task of paying in cash the funded and floating debt of the entire system. There can hardly be any choice for the stockholder. The assessment which he is called upon to pay, taken in connection with the value of the shares in the new company which he receives in exchange for his old stock, more especially when the ultimate value of those shares is considered, shows a negative profit to be made by paying the assessment asked of him—that is to say, if he does not pay the assessment his loss will be absolute, his stock will be “wiped out”; while if he pays, there will be something left for him in the present, and the prospect of yet greater things in the future. Let us consider the situation of the stockholder who is considering an assessment proposition. In the plan for reorganizing the

Northern Pacific, it was proposed to assess the preferred stock \$10 per share, and the common stock, as befitted its inferior position, a larger amount, \$15 per share. On paying this assessment and depositing the stock, holders would be entitled to receive stock in the new company in the following proportions: Holders of preferred stock in the Northern Pacific Railroad Company, in return for 100 shares deposited, would receive fifty shares of preferred and fifty shares of common stock in the new Northern Pacific Railway Company; and common stockholders would receive share for share to the amount deposited in common stock of the new company. In order to judge of the attractiveness of this proposition, we must consider the value of the stock before and after reorganization, subtracting from the former figures the amounts of the assessments. The result appears in the following table:

Value of Northern Pacific Stock December, 1895.	Less amount of Assessment, \$15 common, \$10 preferred.	Value of New Stock issued in exchange for disturbed securi- ties, December, 1896.	Net Gain by Assessment.
Common . . . 3 — 4 $\frac{3}{8}$	—6 $\frac{3}{8}$	12 $\frac{1}{2}$ —15 $\frac{1}{8}$	7 $\frac{5}{8}$
Preferred . . . 10 $\frac{3}{8}$ —16	—1 $\frac{5}{8}$	21 $\frac{3}{8}$ —25 $\frac{1}{4}$	21 13-16

The gain to the stockholder from paying the assessment is plain. If he did not pay it, his stock would be destroyed. Having paid the assessment, however, although for the moment this made his shares worth less than nothing, yet the stock of the new company which he received bore so high a value within a year, that instead of having nothing, the preferred stockholder had a security worth \$23 7-16 and a common stockholder one of \$13 $\frac{3}{4}$. When we allow for the amount of the assessment and the value of the old stock, the net gain to the preferred stockholder is \$19 $\frac{3}{8}$ per share, and to the holders of common stock \$7 $\frac{5}{8}$. Reorganizations take place in times of depression, when traffic and earnings are at the lowest point and when the values of all securities have greatly declined from usual figures. It is a practical

certainty that the stock which, before reorganization, is not worth five cents on the dollar, and which has not paid a dividend for years, when the road has been reorganized, its management renovated, and its physical condition so improved that it can take care of all business which is offered, will bear a much higher value than at the time of reorganization, and may even pay a respectable dividend.

With the prospect of reviving business, and with the certainty of a larger and more stable traffic to result from the permanent development of the country, the stockholder has every inducement to raise the money required for the assessment within the time fixed by the committee and agreed to by the bondholders. Take, for example, the case just mentioned of the Northern Pacific. The common stock, which, in December, 1896, was worth only $13\frac{3}{4}$, three years later, in December, 1899, was worth nearly four times that amount, or 52 5-16, while the value of the preferred stock had increased during the same period from 22 7-16 to 73 1-16. The Atchison stock, which paid a heavy assessment in 1895, shows the same upward movement. In January, 1896, just after the reorganization had been completed, the common stock sold for $14\frac{5}{8}$, and the preferred stock for $21\frac{5}{8}$. In December, 1899, the value of the common stock was 20 3-16, and the value of the preferred $60\frac{1}{8}$. The stockholders of the bankrupt roads make no mistake when they rely upon the future to reimburse them for their sacrifices in the present. The time and manner of payment is made easy for them. Reorganization assessments are usually made payable in several instalments, extending over a considerable period which gives ample opportunity to the stockholders to raise the money required of them. There is seldom a disposition on the part of bondholders to "freeze" them out of the road or to destroy the value of their holdings. All they demand is that the security of their bonds should be made good by the rehabilitation of the property and the payment of its floating debt. If this is done, they are

willing that the stockholders should retain their interests in the property, not, however, without the check and control imposed by certain limitations and restraints which will be presently dealt with. In the majority of cases the assessments are fully paid. In the Erie reorganization of 1878, for example, only 9,542 shares out of 105,796 failed to pay their assessment. It must not be understood, however, that the original purchasers of the stock are, in the majority of cases, those who pay the assessment. Most of the small holders have long since sold their shares for what they would bring, and the purchasers are that class of capitalists who can command the amount of ready money necessary to take care of the bargains. Most of those stockholders who have not sold on the decline are squeezed out by the assessment, so that the stock which pays the assessment is in different hands from those where it originally belonged.

In rare cases, the junior bondholders have also been asked to pay an assessment. This practice, now almost universally abandoned, was formerly much in vogue. Its injustice was apparent. The junior bondholder is not a partner of the road—he is its creditor. Unless its affairs have got into a frightful state of demoralization, the greater part of his interest has been earned. Indeed, it may all have been earned, but diverted through a receivership to other purposes than interest payment. Under these circumstances, there is, as will be pointed out, good ground for changing the character of the security of the junior bondholder, but there is no warrant whatever, save in the most exceptional cases, for treating him as the stockholder is treated, and requiring him to pay a cash assessment. Sometimes, however, there is no alternative. The reorganization committee of the Atchison, Topeka & Santa Fe Railroad thus explained the necessity of levying an assessment upon the junior bondholders:

“The 4 per cent assessment is a necessity for the following reasons:

“About \$14,000,000 cash has been raised to pay off the floating in-

debtedness of the company and for other purposes. The stockholders, in the ordinary course, should provide the whole of this amount, but in case they should fail to do so, the second mortgage bondholders would themselves have to provide the whole of it, in order to preserve their hold upon the property.

"It was therefore deemed to be in the interest of the second mortgage bondholders to divide the burden of this \$14,000,000 between them and the stockholders.

"The proportion of the assessment that would be borne by the stockholders could only be gauged by the amount of assessment that they would be willing to pay in order to protect their rights. This amount is believed to be \$10 per share, and it is necessary that the second mortgage bondholders shall provide the remaining \$4 for their own protection."

There is no answer to this reasoning, and the way of escape from the assessment which it offers is really no permanent advantage to the second mortgage bondholders, who by paying the assessment will receive preferred stock for the assessment. This alternative is the one already suggested. A large issue of first mortgage bonds could have been made, and the funds required could have been raised by selling them below the market price to a bond syndicate, but this would have increased the fixed charges upon net earnings to the amount of the interest on this extra issue, and would have shoved in this interest ahead of the second mortgage bonds. As between increasing the fixed charges, and assessing the second mortgage bondholders, the second course appears to be the wiser.

The Underwriting Syndicate.

Although the stockholders' interest points to the acceptance of these conditions, and although the assessment is generally paid, still there is always the chance of failure, either from a general unwillingness on the part of the stockholder to accept the terms offered, in the hope of getting more favorable treatment, or from the inability of some stockholders to raise the required amount within

the time allotted for the deposit of their securities. It is of the utmost importance that the plan of reorganization, prepared with great care, and assented to by conflicting interests only, it may be, after a long struggle and much higgling, shall be carried through to a successful termination. Should the plan fail, the weary work must be done all over again, and the difficulty of perfecting a second plan is much increased by the unfavorable effect produced by the failure of the first. To guard against such a contingency, and at the same time to bring pressure to bear upon the stockholder by showing him that others stand ready to accept the terms which are first offered to him, the underwriting syndicate has been made a feature of all the later reorganizations. The underwriters of a new company agree to "finance" it, that is, to furnish all the money which may be required for its formation. Underwriting may involve an absolute or conditional agreement. The underwriters may either expressly agree to purchase a certain amount of securities outright, or they may merely guarantee the success of the various assessments and adjustments which are relied upon to furnish the funds required. As a rule, the two methods of underwriting are combined. The assessment upon stockholders cannot always be relied upon to furnish the necessary amount, especially if a large sum is immediately demanded. For example, the amount of cash to be raised for the reorganization of the Baltimore & Ohio Railroad was \$36,092,500, and the total amount of assessment upon the \$5,000,000 of preferred and \$25,000,000 of common stock was only \$5,460,000. As already noted, \$3,500,000 was to be raised by the sale of Western Union Telegraph stock, but even this left the committee \$27,132,000 short of the necessary amount which was raised by the sale of a part of the new issue to a syndicate, leaving so much less to be given in exchange to the holders of the old stock and bonds. This is an extreme case, but in almost every reorganization some cash must be provided by the under-

writers. The method is thus described in the Erie circular of 1895: "A syndicate of \$25,000,000 in money has been formed to subscribe to \$15,000,000 of the prior lien bonds of the new company, and to take the place and succeed to the rights of holders of preferred and common stock of the New York, Lake Erie & Western who do not deposit their stock and pay the assessments." In this case the cash requirements of the new company were met by the sale of securities and by assessment upon the stockholders. The sale of this amount of prior lien general mortgage bonds to a syndicate necessitated a reduction of the grade of other securities in order to keep the fixed charges well within the estimate of net earnings.¹

The St. Louis & San Francisco Reorganization Committee made the bondholders of the road its underwriters. Of the \$6,841,000 required, \$5,500,000 was to be raised by the sale to the bondholders of \$5,500,000 of new mortgage bonds and \$19,250,000 of stock. For \$670 in cash, a bondholder was offered \$670 in new mortgage bonds, \$469 in first preferred stock, \$670 in second preferred stock, and \$1,206 in common stock. The ordinary compensation of the underwriters is the margin between the value of the securities at the time of purchase and the value under improved conditions, and this margin, as already noticed, is in the case of some stocks very large. When bonds are purchased, they are usually taken at a substantial fraction below the market price. A stock commission may also be paid. The under-

¹ The Erie plan of reorganization offers an amusing instance of the inducements which can be held out to the stockholder to pay up promptly. Arrangements had already been made with the syndicate to furnish \$15,000,000 of the \$25,000,000 required. The remaining \$10,000,000 was to be raised by an assessment of \$8 on the preferred stock and \$12 on the common. The managers, however, were able to offer a substantial discount for cash. They stated that the assessment was \$12 on the preferred and \$18 on the common, "but as prompt deposit of the securities and an early payment of a considerable assessment fund are important, a deduction of \$4 per share on the preferred stock and \$6 on the common stock will be allowed on account of the assessments above mentioned to such depositors as deposit their stock within a short period discretionary with the committee."—"Commercial and Financial Chronicle," vol. 61, p. 369. This is analogous to the practice of marking up goods before marking them down.

writers of the Union Pacific Reorganization Plan received for their services \$6,000,000 in preferred stock, of which \$1,000,000 went to the banking house which managed the reorganization. The compensation to reorganization managers where large interests are involved is usually \$500,000 or \$600,000 exclusive of expenses. The banking firm of J. P. Morgan & Co., during the last few years, have had charge of most of the large operations of this nature.

The Bond Reserve.

In addition to the providing of cash for immediate requirements, the reorganization committee must see to it that the necessary capital for betterments is secured. Each year a large sum should be spent on betterments by every well-managed road. Failure to do this invites disaster. The downfall of most railroads has been assisted by insufficient equipment and poor condition. So far as this expenditure results in an increase in earning power, it may be paid for by an issue of bonds. But an increase of debt is not easy to manage when bondholders have been heavily mulcted by reckless issue of bonds. They are apt to be very cautious in the future, and many reorganization plans during the twenty years preceding 1893, contained an express prohibition against any increase of the funded debt without the consent of a large majority of the bondholders. This consent it was naturally hard to obtain, and some roads were prevented from making the most necessary improvement by the inability to obtain the consent of bondholders to an increase of the debt. In their circular of August 31, 1895, the Reorganization Committee of the Erie Railroad remarked of this prohibition as follows: "The absence of any such provision for capital expenditure has always been one of the chief sources of embarrassment of the Erie system, and has made it impossible for that system to keep up with its competitors, or to adapt itself to handling business with that

economy which the character of its traffic necessitates." In the later reorganizations, the necessity of some provision for increase of capital has been clearly seen. It was, however, necessary, in order to gain the consent of stockholders and junior bondholders, from whom sacrifices were demanded, that they should be protected against the danger of reckless bond issue by the new company. Indeed, this solicitude for the stockholders' interests has been carried to such a length that, so far from conditioning the increase of funded debt upon the consent of the bondholder, it is the stockholder who must sanction an issue of bonds above the amount specified by the plan of reorganization, and in almost every case, two-thirds of the holders of one or both issues of stock must give their consent before any increase of debt can be made. It is necessary, therefore, if provision for necessary capital expenditures is to be made, that some expedient should be adopted which will not disgruntle the stockholder nor the junior bondholder. This expedient has been found in the bond reserve. A certain amount of the first mortgage bonds which are created by the new company, it is provided, shall be held in the treasury, and their issue shall be authorized only to a limited amount each year. Thus, in the plan of reorganization of the Norfolk & Western Railroad, issued March 12, 1896, it was provided that,

"\$9,690,436 (of the first consolidated mortgage four per cent bonds) is to be reserved for the construction or acquisition of side tracks, second tracks, branches and equipment, and for other improvements and additions to the property covered by the first consolidated mortgage, and for other requirements of the new company; but such bonds are to be issued only subject to suitable restrictions to be prescribed in the mortgage securing the same, at a rate not exceeding \$1,000,000 for each fiscal year after June 30, 1896): it being understood that any portion of such \$1,000,000 of bonds remaining unissued in any one fiscal year may be added to the amount that may be issued in subsequent years."

This provision is in the interest of the stockholder, for it insures to the road an ample provision for betterment expen-

diture, while protecting the stockholder against reckless increase of funded debt. The bond reserve, moreover, makes the creation of floating debt largely unnecessary, for the greater number of the objects for which floating debt is created are specifically included in the permission given for a periodical issue of bonds.

Reduction of Fixed Charges.

The needs of the present have now been provided for. The floating debt has been paid, and provision has been made for sufficient capital expenditure to ensure the highest efficiency of operation. The committee on reorganization must now address itself to the more difficult task of reducing fixed charges so that they will come well within a conservative estimate of net earnings. The fixed charges of a railroad may be broadly divided into charges for leases and rentals, and charges for interest. The first can be more easily reduced than the interest charges. So long as a company is solvent, it must live up to its contracts, but a reorganized bankrupt is entirely free from the obligations and agreements of the old company. Bankruptcy has wiped out the old scores, and the new company need assume only such contracts as its organizers consider to be necessary to the success of the road. If a leased line has proved unprofitable, it can be dispensed with, or, if retained, the rental can be reduced. If a traffic agreement has proved unsatisfactory, a new arrangement can be made. If guaranteed interest on a branch line or a coal company has proven to be in excess of its contribution to the earnings of the main system, the interest may be reduced or the guarantee not allowed to stand. The reorganization committee has a free hand. They cannot be held to old agreements. Old contracts have lapsed, and must be renewed by the new company before they become binding against it. For this reason, every reorganization results in freeing the road from a part of its lease-rentals and guar-

antees. The most notable examples of a reduction in mileage by reorganization are furnished by the Wabash, with a reduction of 1,541 miles, and by the Richmond & West Point Terminal 4,479 miles. These cases are paralleled by the Atchison, which released the Atlantic & Pacific Railroad in its reorganization of 1895, and by the Reading, which abandoned the Central of New Jersey in 1892 and the Lehigh Valley in 1893. A more common method than the reduction of mileage, however, is the reduction of rentals. The owners of the leased line have usually no choice but to accede to the propositions of the reorganization committee for a reduction of charges. Their property is of little value outside of a large railway system, and, as a rule, the system in connection with which it is most valuable, is that with which it is already connected. The result is that the reduction in contracts by reorganization usually takes the form of a decrease of charges rather than a decrease of mileage. The extent of the reduction in rentals from reorganization is seen where the reduction of this item of fixed charges for the entire country is considered. The net reduction in lease rentals from 1892 to 1898 was \$24,527,000, and of this sum \$17,768,000 appears in the South and West where the failures were most numerous and extensive. The reductions of rentals are most conspicuous in the Northwest and Pacific coast railroads. It is true that a part of this decrease in rentals is to be ascribed to the steady movement in the direction of consolidation which is constantly converting lease into purchase, but coming so close together, the difference between the figures of 1892 and those of 1898 is sufficiently marked to warrant the conclusion that most of the reduction is due to the numerous reorganizations which intervened.

Reduction of Interest.

We come now to the most difficult part of the task which the reorganization committee have set themselves. The holders of some of the bonds must make sacrifices.

Although, according to the letter of the mortgage contract, they are secured by specific pieces of property, yet, as a matter of fact, this separate security is worthless,—they must all stand together if the earning power of the road is to be maintained. This being the case, what bonds shall be disturbed, in what way shall their claim be reduced, and what compensation shall be given? Let us reverse the inquiry and ask what are the bonds which are not disturbed? In every reorganization we find some of these bonds. Take the Erie road, for example. It has five divisional mortgages made on portions of the line which lie within the State of New York. These mortgages have survived three reorganizations, not being disturbed by any of them. In the same way the Norfolk & Western, the Reading, and the Baltimore & Ohio each carried over certain issues of bonds without in any way disturbing them further than in some cases to change their name by exchanging them into other securities of equal value. These bonds are passed by in the reorganization for the reason that their interest, even in the worst years, has been fully earned. Divisional bonds of important branch roads and first mortgage bonds of larger systems, not to forget terminal bonds, do not suffer for the reason that there is no way to get at them. The property which secures them, such, for example, as a terminal or a connecting link in a trunk line, cannot be dispensed with. Should the holders of these bonds force a foreclosure, they would dissolve the entire system. Moreover, since their interest has been fully earned in the contribution of their security to the general earnings, the courts would undoubtedly protect them against any attempt to reduce the amount of the principal or interest. It is common, however, to find that branch lines have not earned the interest on the bonds, even when allowance has been made for their contribution to the traffic of the main line. In such cases, divisional bonds fare no better than junior liens. For example, in the Norfolk & Western reorganization of 1895, several branch

line issues were partially converted into preferred stock. It is only an absolute first lien that can feel secure in a reorganization. First mortgage consolidated bonds have not been so fortunate. Their lien is subject to divisional mortgages which may easily, in bad years, so diminish the net earnings as to cut into the interest on the general mortgage. The Reorganization Committee of the Atchison, in their circular of 1895, took the following position with reference to the general mortgage bonds :

“After making a careful estimate as to how much of the existing lines, if retained in the system, could, under the circumstances, be avoided, or, if these lines be left out, what amount the Atchison system would be able to earn without the auxiliary lines, the committee has arrived at the conclusion that it would not be safe to place upon the property a fixed charge of more than four per cent upon seventy-five per cent of the principal of the present general mortgage bonds.”

The situation of holders of general mortgage bonds in a reorganization is exactly stated by the committee. The road cannot earn their interest. They cannot, in reason, refuse to consent to a reduction of their claim to fixed income. Suppose they should refuse, what can they do about it? The only alternative is to foreclose the mortgage. To do this they must raise enough cash to pay off all the prior liens, for their mortgage is spread over and is subordinate to a large number of claims superior to their own. This is practically impossible, so the only course is to submit or hold out for better terms. It is true that there is always the final resort to the courts, who may, at any time before the recording of the new securities, hold up the whole proceeding by injunction, and that will be done if it can be shown to the satisfaction of the court that any interest is being unjustly treated. Such interference, however, cannot, unless in cases of the most flagrant injustice, be secured by a minority. If a large majority of the bonds are deposited, the courts will usually refuse to interfere, holding that the

consent of the majority should be binding upon all. The contest over the Erie reorganization offers an illustration. A plan had been proposed which seemed unfair to the second mortgage bondholders. Nevertheless 80 per cent of these bonds had been deposited when a suit was brought in the New York Superior Court to enjoin the company from recording the mortgage. The court refused to grant the injunction on the ground that the consent of so large a majority of the parties in interest had made the plan already operative. The disturbance of first mortgage bonds was far more common in the early reorganizations, the reason being that their security at that time was much inferior to what it subsequently became. The first mortgage bonds of the Northern Pacific in 1876 were converted into preferred stock. The first mortgage bonds of the West Shore in 1885 were reduced in amount 50 per cent. The first mortgage consolidated bonds of the East Tennessee, Virginia & Georgia in 1885 were reduced 40 per cent. Arrangements even more unfavorable to bondholders were not uncommon in the early period, and indeed, generally speaking, the bondholders of weak roads must always make heavy concessions. For example, in 1873, the first mortgage bonds of the New York, Ontario & Western were converted into the common stock of the new company at par, and the second mortgage bondholders had to pay 20 per cent in cash for a similar privilege. In the reorganization of the Cincinnati, Wabash & Michigan, in 1880, the bonds received 70 per cent in stock. A method for dealing with bondholders, formerly in common use, was to require them to fund their interest in bonds of the same issue, or to convert it into inferior securities. In the reorganization of the Chesapeake & Ohio, in 1876, \$15,000,000 of first mortgage bonds were issued in exchange for the bonds of the old company, with coupons payable for three years in preferred stock, and the second mortgage coupons were made payable for six years in preferred stock. The Erie reorganization plan of 1878

contained a similar provision. Absolute reductions of interest, without compensation in inferior securities, were also not uncommon. Witness the reduction of interest from 6 and 7 per cent to 5 per cent on the Eastern Division bonds. The position of the first mortgage bondholder, however, whether his security be a prior lien or consolidated mortgage, has steadily improved with the general increase in net earnings, and, as already remarked, in the later reorganizations he has been but slightly disturbed in comparison with the losses which he suffered in the period preceding 1893.

The reorganization committee, since they have no claim upon the first mortgage bonds, turn to the junior mortgages and the debenture and income bonds whose interest has not been fully earned. The former position of the junior bondholder was anomalous. He held a claim for a fixed rate of return which would not at all times be paid from the net earnings. This claim was nominally secured by property, but really by revenues—and a revenue inadequate to the payment of interest implies an impaired security. His bond, therefore, was no bond at all, because the distinguishing characteristic of a bond is the power which it gives to enforce its own payment by the sale of the property which secures it, and this it was not possible for the junior bondholder to do. He had, it may be, already discounted the greater risk of an inferior lien in the lower price paid for his bond, thus obtaining for 15 or 20 per cent less than the buyer of a first mortgage bond the same nominal claim to a fixed rate of return. As a matter of fact, the very discount at which the junior bonds were sold indicated that their interest was not fixed, but conditioned on earnings; in other words, that the bond was no bond at all, but rather a claim to a share in profits on practically the same basis as the stockholders. But, although a claimant upon profits, the junior bondholder acted as though his contract was in reality binding and his bond perfectly secured. As a result of his attitude one-third of the railway mileage of the United States has

been at one time in the hands of a receiver, thrown into actual bankruptcy, as though the junior bondholders were really able to enforce a full recognition of the claim upon properties which could not sell for the par value of the bonds outstanding against them. Then, when these bankrupt roads came to be reorganized, it was very soon found that something could not be made out of nothing, and the junior bondholders were obliged to accept the situation and reduce their claims to manageable limits. It has taken thirty years to drive this basal fact into the minds of investors—that a charge is not fixed when it is not at all times earned, and that when its earnings are insufficient to pay the interest on bonds the property can by no possibility sell for enough to pay their principal. The first step in the education of the bondholder was to give him income bonds in exchange for his second and third mortgage bonds, which were very common before 1880, but which have practically disappeared from the bond lists since that time.

It will be worth while to examine in some detail the terms and provisions of an income or debenture mortgage and to note the inconsistency which it involved. The form of an income mortgage contract was in general not different from other mortgages. The indenture was duly made out to a trustee to whom the railroad company acknowledged itself indebted in the sum of \$1,000, which was to be paid at some distant date, place, time and manner of payment being carefully set down. Furthermore, the railroad company promises, I use the language of the Richmond & Danville debenture mortgage of 1883,

“ as interest upon the principal of this bond, such sum, not exceeding 6 per cent per annum, as shall remain out of net earnings of the company in each year, after paying the interest upon all bonds secured upon existing liens upon its property, the rental of all property now leased by the said company and its operating expenses. In its operating expenses shall be included expenditures made for the repair, renewal and improvement of its existing property, as well as

for purchases or construction of additional property and equipment necessary for the proper conduct of its business. The amount of interest to be paid in each year shall be determined by the board of directors."

The powers and duties of the trustee in case of foreclosure were also gravely set down. "But if default shall be made in the payment of the principal of any of the said bonds at maturity, and such default shall continue, etc.,—or if default shall be made in the payment of interest upon any of the said bonds, when earned and declared in accordance with the terms and conditions of said bonds, and such default shall continue for the period of ninety days—after the same shall have been ordered by the board of directors of the said company to be paid, etc., then the said Central Trust Company of New York shall have the right, the written request of one-fourth in amount of said bonds—to enter upon and take possession of the railroad's property, etc." As a piece of unconscious humor, this can hardly be surpassed. Notice the general incongruity of the thing. To begin with, the so-called interest is in plain reality no interest at all, but merely a dividend to be declared by the board of directors after paying all such charges and making such repairs and improvements as they consider necessary for the welfare of the property. Observe the wording—"What remains shall go to the income bondholder." In short, he is the residual claimant. He receives profits and bears losses. He is, to every intent, a stockholder, except that he has no voting power, no share in choosing the board of directors who are to decide whether he shall get something or nothing. He is, to this extent, in a worse position than the stockholder who can exert some influence upon the policy of the road. Furthermore, his right of foreclosure is as flimsy as his claim to fixed income. If the board of directors shall declare that a certain sum is owing to income bondholders, if they shall order that sum to be paid, and then if, through some extraordinary

mishap, the money be not forthcoming, for it is to be presumed that the board would have the money in hand before they declared it payable—only in this improbable event, can the trustee of an income mortgage force the road into bankruptcy. The security of the income bondholder is the willingness of a board of directors which he has had no share in choosing, to pay over to him sums of money which they have a perfect right to expend on the improvement of the property, a task which is never completed. In other words, the security of the bondholder is no security at all. He has no means of compelling directors to pay him his interest, for the courts have repeatedly held that the determination of the amount of "net earnings" was the exclusive prerogative of the board of directors on the ground that they were the proper persons to decide how much should be spent upon the betterment of the road. It is not surprising, therefore, to find that out of twenty-nine series of income bonds listed on the New York Stock Exchange Investment Supplement in 1890, only six paid any interest, and that of these twenty-nine issues, aggregating \$308,802,000, eighteen issues have since disappeared, while those which remain, with one or two exceptions, are confined to the investment roads, whose policy it has always been to live up to the spirit of the contracts and whose earnings have enabled them to maintain that policy.

After the second and third mortgage bonds had been converted into income bonds, thus relieving the roads of a large part of their fixed charges, the necessities of the railway manager created a new form of security which was equally untrustworthy, but which the magic of the word "bond" enabled him to sell in large amounts. This was the consolidated or "blanket" mortgage, spread over the swarm of prior liens who, under its friendly shelter, got to their own share the larger part of the income of the road. These general mortgages, in the splendor of their comprehensiveness, impressed the minds of the investing public,

and brought quite good prices—prices approaching those of prior lien bonds, to which, of course, in point of real security, they were vastly inferior. The consolidated mortgage came in after everything else had been paid, and the principle on which it was issued was the unfamiliar axiom that the whole is not equal to but greater than the sum of its parts. Here was a railway system formed by a consolidation of a number of railroad, terminal, and subsidiary companies of various kinds, each one being subject to mortgage liens up to the point of safety—liens whose amounts were graduated according to the degree of contribution by each part, to the general earnings of the whole. The road was, therefore, before the creation of the general mortgage, bonded up to the limit of absolute security, and in many cases, somewhat beyond it. Nevertheless, the imposing structure of a general mortgage, a “first mortgage,” be it noted, that is to say, the first of its kind—was built upon a foundation which was ready to cave in and topple down the whole edifice at the first shudder of business depression. Almost every large failure of the period 1893–1896 involved one or more consolidated mortgages, and the defaults of 1884–1886 were also, in most cases, made upon this class of securities. These general mortgage bonds were claims upon profits, and not, in the real sense of the term, claims to fixed rates of return. In flush times, their interest could be paid. In periods of depression, the company must default on its consolidated mortgages, and, fearing foreclosure, go into the hands of a receiver until the real status of its various securities could be determined by a committee of reorganization. The consolidated mortgage bondholder, just as his predecessors of the second and third mortgages, had to be disillusionized and shown what was his real position. This has been done in the reorganizations of the last few years. Besides income bonds and consolidated mortgage bonds, there were the few important instances of default on first mortgages, and the more numerous cases of default on

branch lines to be dealt with by the reorganization committees of 1893-1896.

The principle adopted for dealing with this problem was as simple as it was satisfactory. The net earnings of the road were taken as the measure of fixed charges. The reorganization committee apportioned the net earnings among the various disturbed securities according to the amount that each was judged to have contributed to the net earnings. In so far as the interest on a bond had been earned, its absolute lien was retained. In so far as its interest had not been earned, it was reduced to its true position as a portion of the capital stock, an investment whose return is not guaranteed but is conditioned on the earnings of the system. The results of the apportionment are illustrated in the following tables, which show the basis of exchange of two of the most important among recent reorganizations, the Northern Pacific and the Norfolk & Western :

I. BASIS OF EXCHANGE OF THE SECURITIES OF THE NORTHERN PACIFIC RAILROAD IN THE REORGANIZATION OF 1896.

NAME OF SECURITY.	Cash. Per Cent.	New Prior Lien Mortgage Bonds. Per Cent.	New General Lien Mortgage Bonds. Per Cent.	Preferred Stock Trust Certificates. Per Cent.	Common Stock Trust Certificates. Per Cent.
General first mortgage bonds . .	3	135	. .	. .	. .
General second mortgage bonds . .	4	118½	. .	50	. .
General third mortgage bonds . .	3	. .	118½	50	. .
Dividend certificates	3	. .	118	50	. .
Consolidated mortgage bonds . .	1½	. .	66½	62½	. .
Collateral trust notes . . . . .	. .	100	. .	20	. .
Northwest equipment stock . . .	100	. .	. .	. .	. .
Depositors of preferred stock on payment of \$10 per share . . .	. .	. .	. .	50	50
Depositors of common stock on payment of \$15 per share . . .	. .	. .	. .	. .	100

II. BASIS OF EXCHANGE OF THE SECURITIES OF THE NORFOLK & WESTERN RAILWAY IN THE REORGANIZATION OF 1896.

NAME OF SECURITY.	Cash. Per Cent.	First Consolidated Mortgage Bonds. Per Cent.	Preferred Stock. Per Cent.	Common Stock. Per Cent.
Adjustment mortgage, 7 per cent bonds .	7	130	20	..
One hundred year mortgage bonds . . .	..	62½	75	..
Maryland and Washington Division bonds . . . . .	..	70	67½	..
Chester Valley Division bonds . . . . .	..	50	70	..
Equipment mortgage bonds, 1888 . . . .	..	100	48	..
Five hundred and ninety debentures of 1892 . . . . .	..	..	100	..
Roanoke and Southern Railway bonds .	..	55	65	..
Lynchburg and Durham Railway bonds .	..	35	65	..
Norfolk and Western common .	} Assessment \$12.50 per share	..	..	75
Norfolk and Western preferred				112½
Roanoke and Southern Stock .				75
Lynchburg and Durham Stock				75

It is not required to go deeply into the analysis of these self-explanatory tables. In brief, it may be said that in so far as the specific security of each bond had earned its fixed charges, to that extent it was exchanged for new mortgage bonds. In so far as its interest had not been earned, and in general for the huge mass of incomes and debentures, preferred stock was given usually to an amount greater than the par value of the securities which they displaced. This principle of apportionment is especially well illustrated in the Norfolk & Western reorganization. The bonds of four branch roads were disturbed. Of these, the Maryland & Washington and Roanoke & Southern had earned more than the other two, and the greater earning ability was recognized in a large proportion of preferred stock. The 100-year mortgage bonds also, whose interest had not been fully earned, were cut down 25 per cent, but 55 per cent in

first preferred stock was given in exchange, so that in the long run the bondholders were no losers, the preferred stock in 1898 having sold for 63⅞. In the same way, the consolidated mortgage of the Northern Pacific received 62½ per cent in new prior lien bonds and 62½ per cent in preferred stock. In 1895, before the reorganization, the consolidated bonds did not rise above 36, while in December, 1898, two years after the reorganization, the prior lien bonds sold for 103 and the preferred stock for 78. In exchange for a bond worth \$360, the Northern Pacific bondholders received another bond worth \$643, besides \$780 in preferred stock.

The extent to which conversion of junior bonds into preferred stock has gone appears from the following table, which shows the amounts of preferred stock issued for various purposes by eight of the largest reorganizations since 1893.

NAME OF ROAD.	Amounts of Preferred Stock Issued.			
	For Old Bonds.	For Stock.	For Assessments.	Miscellaneous.
Atchison, Topeka and Santa Fe	\$96,740,000	. . . . .	\$13,717,000	\$9,200,000
Erie	27,146,000	} \$8,537,000	{	2,854,000
Norfolk and Western	7,271,000			192,000
Northern Pacific	22,833,000	. . . . .	. . . . .	167,000
Oregon Railway and Navigation Company	54,880,000	17,620,000	. . . . .	2,500,000
Reading	9,290,000	. . . . .	1,440,000	270,000
St. Louis and San Francisco	7,184,000	. . . . .	. . . . .	20,816,000
Southern Railway	40,286,000	. . . . .	. . . . .	1,714,000
First preferred	8,214,000	. . . . .	1,150,000	3,850,000
Second preferred	8,214,000	. . . . .	. . . . .	7,786,000
Totals	32,887,000	8,799,000	7,814,000	4,800,000
Totals	\$314,945,000	\$34,956,000	\$24,121,000	\$54,149,000

A share of preferred stock entitles its holder to receive a specified rate of return before any dividend is declared on the common stock. The exact wording of the contract is expressed in the contract of the Northern Pacific Railroad with its stockholders:

“Preferred stock is entitled to non-cumulative dividends to the extent of four per cent per annum, payable quarterly out of the net

earnings before any dividends for the year shall be declared on the common stock." If the preferred stock is made cumulative, as was formally not uncommon, the following provision was commonly inserted: ". . . and in case said dividends cannot be regularly earned and paid, as above stipulated, all arrears are to be paid as soon and as fast as the net income of the company will allow, and no dividend is to be made on the general stock of the company until all such arrears have been paid."

Such a provision amounts to a destruction of the common stock, which could have little value if all deficiencies in preferred dividends had to be made good at its expense. Accordingly, a more recent practice has favored non-cumulative provisions. It is not uncommon for the preferred and common stock to share equally in all dividends over and above the stipulated payments to the preferred.

It is also to be noted that the dividends on the preferred stock are payable out of "net earnings"—that is to say, after the expenses of operation, repair, betterment and interest on the funded debt have been paid. In other words, the fixed charge of a mortgage bond whose payment may be enforced by foreclosure, and the anomalous claim of the income bond which had been thoroughly discredited, were converted into a claim for return whose rate is conditioned upon the net earnings of the road. A fixed charge has been converted into a claim upon profits. In the exchange of these so-called "bonds," for stock in the reorganized company, the relation of the quondam creditors to the property is precisely defined, and the element of risk which he assumed when he purchased his consolidated or debenture bond finds expression in the language of the contract which sets forth his relation to the road. The position of the junior bondholder, considered from the standpoint of his own interest, has been vastly improved—whereas before, he was subject to great risk of default without an adequate remedy or protection. The income bondholder, in case of non-payment of his interest, had no recourse whatever, and the junior mortgage bondholder gained nothing by foreclosure. As a

preferred stockholder, however, he has the right to assist in directing the policy of the road, and he can blame only untoward circumstances if all does not go well with him. Moreover, there is the further inducement offered of a larger amount of preferred stock than the par of the bonds for which the preferred stock is given. If the bondholder is not satisfied with the arrangement, he has only to begin foreclosure proceedings to see how helpless is his position. There are but few cases on record, if we except such instances of attempted exploitation as that offered by the Texas Pacific in 1886, or the Wabash in the same year, where junior bondholders failed to see the advantages of the plan proposed as set forth by their representatives, and without delay deposit their securities.

The Voting Trust.

One more feature of recent reorganizations demands attention, and this is the securing of the control of the road for a term of years by a voting trust, elected by the bondholders or their representatives, the mortgage trustees, usually, indeed, by the latter. Thus the plan of reorganization of the Reading Railroad, issued 1895, contains the following provision:

"The stock shall be held by the voting trustees and their successors jointly . . . for five years and for such further period (if any) as shall elapse before the first preferred stock shall have received four per cent cash dividend per annum for two consecutive years, although the voting trustees may, at their discretion, deliver the stock at any earlier date. Until delivery of stock is made by the voting trustees, they shall issue certificates of beneficial interest entitling the registered holders to receive, at the time therein provided, the number of shares stated, and in the meanwhile to receive payments equal to the dividends collected by the voting trustees upon the number of shares therein stated, which shares, however, with the voting power thereon shall be vested in the voting trustees until the stock shall become deliverable."

As just remarked, the voting trustees are usually named by the mortgage trustees, in most cases by the banking firm which carries through the reorganization. In a few in-

stances, however, the bondholders themselves may elect the trustees. This practice has now practically disappeared, the difficulty of getting a vote from the scattered bondholders being too great.

The purpose of the voting trust is to secure to the bondholders or the representatives, the control of the reorganized property against the attempt of outsiders to get possession of the road by buying a majority of the low-priced stock. This practice was formerly common. Mr. Henry Villard in this way secured control of the North Pacific in 1880, and Mr. Jay Gould several times captured a railroad by this method. Such exploits were usually detrimental to bondholders, who may soon have another series of defaults to suffer and a large floating debt to take care of. It was to guard against the danger of wrecking that the voting trust was devised. The Erie Voting Trust of 1878 was among the first instances of this institution. In the recent reorganizations, it is an almost universal feature. Until the stock has been raised to an investment level, so that it will be purchased not for speculative manipulation, but for investment, until, in other words, the stockholder has an equal interest with the bondholder, in the conservative and economical operation of the property, the bondholders, to protect their own interest, very wisely retain control through a voting trust. There is no organized action of bondholders in the matter. The bonds are too widely scattered for that, but the holders are entirely willing that a banking house or trust company, of high repute, who are themselves large holders of railway bonds, should have the duty of safeguarding their security until all danger from outside manipulation has passed away. The stockholder is actually benefited by this control, which insures the highest efficiency in the management of the property, and the greatest certainty of continued prosperity for all holders of its securities.

The reorganization of American railways is a more noteworthy financial achievement than the payment of the

French indemnity or the refunding of the United States debt. It is noteworthy not merely in the amount of securities involved, but on account of the excellence of the principles which have guided its managers in their action. Its result has made railway bankruptcy a practical impossibility. Railway indebtedness is now well within the limit of railway earnings. The greatest of all financial interests has been placed on a firm and enduring foundation.

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POLITICAL AND MUNICIPAL LEGISLATION IN 1900.¹

During the period covered by this review, October 1, 1899, to October 1, 1900, thirteen states held regular² and four held extra³ sessions. Only six states have annual sessions⁴ and all but eight of those having biennial sessions, hold them in odd years,⁵ so that there is only about half as much state legislation in even as in odd years. The total number of acts and resolutions passed during this off year was 5,886, of which Virginia passed 1,485; New York, 777; Maryland, 758; Ohio, 636; Massachusetts, 594; New Jersey, 201; South Carolina, 181, and Kentucky, 40.

General vs. Special Legislation.—In the *Annual Summary and Index of State Legislation*, issued by the New York State Library, 1,469 of these 5,886 laws are summarized. The *Annual Summary* includes all general laws and a few special and temporary laws of general interest, so that it is safe to say that three-fourths of the laws passed were special. Of the 1,485 laws passed by Virginia only 152, or a little more than one-tenth, were general, while in New Jersey over four-fifths of the 201 laws passed were general. The difference is doubtless due to the restrictions on special legislation contained in the New Jersey constitution. In Virginia the only restriction on special legislation is the provision that the legislature may not grant divorces, change names, direct the

¹ For previous articles on "Political and Municipal Legislation" see *ANNALS* for May, 1896 (Vol. VII, pp. 411-425); for March, 1897 (Vol. IX, pp. 231-245); for March, 1898 (Vol. XI, pp. 114-190); for March, 1899 (Vol. XIII, pp. 212-229), and for March, 1900 (Vol. XV, pp. 16-26).

² Georgia, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Ohio, Rhode Island, South Carolina and Virginia.

³ California, Michigan, North Carolina and Texas.

⁴ Georgia, Massachusetts, New Jersey, New York, Rhode Island and South Carolina.

⁵ Vermont, which holds its regular session in October of even years, does not come within the period covered by this review.

sale of estates of persons under legal disability, or grant relief in any other case where courts or other tribunals have jurisdiction.¹ Until 1875 the New Jersey constitution merely prohibited the granting of divorces and the sale of land of persons under legal disability by special act, but in that year an amendment was adopted restricting special legislation within narrow limits.² This amendment provides that no general law shall embrace any provision of a special character, that no special bill shall be passed unless public notice of intention to apply for it has been previously given, and that special acts shall not be passed bearing on any of the following matters:

Laying out, opening, altering and working roads or highways.

Vacating any road, town-plot, street, alley or public grounds.

Regulating the internal affairs of towns and counties; appointing local officers or commissions to regulate municipal affairs.

Selecting, drawing, summoning or empaneling grand or petit jurors.

Creating, increasing or decreasing the percentage or allowance of public officers during the term for which said officers were elected or appointed.

Changing the law of descent.

Granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Providing for changes of venue in civil or criminal cases.

Providing for the management and support of free public schools.

The legislature shall pass general laws providing for the cases enumerated in this paragraph, and for all other cases which, in its judgment, may be provided for by general laws. The legislature shall pass no special act conferring corporate powers, but they shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the legislature.

The effect of these restrictions is very strikingly shown by a comparison of the number and kind of acts passed by the New Jersey legislature during the three-year period

¹ Virginia Constitution, 1869, art. 3, § 20.

² New Jersey Constitution, 1844, art. 4, § 7.

1872-1874, preceding the adoption of the amendment, and the period 1876-1878, after its adoption. During the first period the average number of acts passed was 624, of which 111 were classified in the volume of session laws as general and 513 as special. For the second period the average number of acts was 219, of which 188 were classified as general and thirty-one as special. The adoption of the amendment seems, therefore, to have reduced the total volume of legislation 65 per cent, and the number of special acts 94 per cent, and to have increased the number of general acts 70 per cent.

Virginia voted in May to hold a constitutional convention. It will be interesting to see whether the convention, in drafting a new constitution, will follow the now almost universal practice of restricting special legislation.

Florida adopted a constitutional amendment in November prohibiting the creation of corporations, except universities and ship canals by special act. Of the 242 acts and resolutions passed by Florida in 1899, twenty-five were special acts relating to corporations. The amendment should, therefore, diminish the present volume of legislation about 10 per cent.

The Mississippi legislature has exercised a certain degree of self-control in the matter of special legislation by authorizing the auditor and land commissioner to settle claims for taxes erroneously paid, correct errors in land descriptions, cancel patents to lands in certain cases and make rebates.

In New York a constitutional amendment was proposed by the legislature of 1899 but not repassed by the legislature of 1900 prohibiting the passage of a special or private bill granting exemption from taxation.¹ The need of further constitutional restrictions or of the exercise of legislative self-control in the matter of special legislation in New York is very great. During the period 1894-1899 there was an annual average of 589 special to 243 general acts passed.

¹ N. Y., 1899, p. 1605.

There was an average of 183 special city, fifty-three special village, twenty-six special town and twenty-nine special county acts, making in all 291 special acts dealing with local governmental organization. November 3, 1874, a number of constitutional amendments restricting special legislation were adopted and while they reduced the annual output of legislation about one-half, the natural increase in special legislation in lines not touched on in the amendments, has, in the course of a quarter century, brought up the annual average to a point only about 10 per cent below that prevailing previous to the adoption of the amendments. For the three years 1871-1873 there was an annual average of 904 acts and for the years 1876-1878 an average of but 447, while for the past seven years the average has been 832.

By the passage of a few general laws the annual output of legislation in New York might be greatly reduced. Each year an average of twenty-seven amendments to the fish and game laws are passed, seventeen of which apply to but one or two counties. A general law conferring on county boards of supervisors power to pass fish and game regulations, subject to the approval of the state commissioners of fisheries, game and forests, would considerably relieve the legislature. Moreover, many of the details now prescribed by the fish and game laws might well be left to regulations of the state board. The state board of railroad commissioners now exercises an extensive quasi-judicial authority that obviates the necessity for numerous special acts, and this method of control could be profitably extended to a number of other fields.

The effect of the prohibition of special city legislation on the volume of legislation has been shown by the experience of Wisconsin. In November, 1892, a constitutional amendment was adopted prohibiting the incorporation of a city or the amendment of its charter by special act. As a result of this amendment the total number of laws passed has been reduced more than one-quarter and the number of pages of

law more than one-half. During the six years 1886-91 there was an annual average of 266 laws, covering 993 pages, while for the period 1893-98 there was an annual average of 191 laws, covering 412 pages.

In this connection the experience of Illinois is also instructive. It is a great state with varied interests, and, like New York, has had to deal with the problem of a big and rapidly growing city. It has a general law for the incorporation of all cities, most of the provisions of which apply to all alike. Instead of going into great detail the law merely prescribes the general organization and gives to the city council power to adapt the more detailed organization to the changing needs of the city.

With an annual average of 183 special city acts the suspensive veto over such acts given to the mayor of cities of the first class and to the mayor and council of other cities by the constitution of 1894, seems to have proven totally inadequate to cope with the evil.

Annual Sessions.—Rhode Island has been holding two sessions of its legislature yearly, an annual session being held at Newport beginning on the last Tuesday in May, and an adjourned session at Providence beginning in January. The January session held at Providence has usually lasted into May, after which the Newport session, beginning the last Tuesday in May, has usually lasted till the latter part of June. A constitutional amendment was adopted at the November election providing for a single annual session at Providence beginning on the first Tuesday in January.¹

Statutory Revision.—In 1889 New York created a statutory revision commission to revise certain of the general statutes of the state. It was supposed that the commission would complete its task in two or three years at most, but the work of revision has been continued from year to year and is still unfinished. The scope of the undertaking was soon broadened to cover the entire field of statutory law. A

¹ R. I., 1900, j. r. i.

number of the revision bills prepared by the commission have not been acted on by the legislature, partly owing to the fact that a great deal of new law is contained in them and the legislature is unwilling to accept them without careful examination. Much dissatisfaction having arisen with the slow progress of the work and with the proposed method of revising the code of civil procedure, the commission was abolished¹ and the question of revision referred to a joint committee. The committee is making a careful examination of the subject and will report to the legislature of 1901.

In 1896 South Carolina created the office of code commissioner.² The commissioner is elected by the legislature for ten years and must prepare a complete revision of the general statutes and the code of civil procedure in 1901 and every ten years thereafter. He receives a salary of \$400 a year.

During 1900 official compilations of statutes were issued by Missouri, Nevada, North Dakota, West Virginia and Wyoming and unofficial compilations were issued for Illinois, Kansas and North Carolina.

Drafting of Bills.—In 1893 it was made the duty of the New York Statutory Revision Commission, just referred to, "on request of either house of the legislature, or of any committee, member or officer thereof, to draft or revise bills, to render opinions as to the constitutionality, consistency or other legal effect of proposed legislation, and to report by bill such measures as they deem expedient."³ The services of the commission have been made use of to a very considerable extent in the drafting of bills. For the session of 1899 the commission reports that it prepared about five hundred bills at the request of members of the legislature, besides examining and rewriting a large number originally prepared elsewhere. With the abolition of the commission

¹ N. Y., 1900, ch. 664.

² S. C., 1896, ch. 1.

³ N. Y., 1893, ch. 24, § 2.

during the past year there is as yet no statutory provision for the performance of this most important and useful work, but it is understood that three of the assistants on the former commission will be retained by the legislature of 1901 to continue it. For the drafting of bills special technical knowledge, that can only be acquired by much practice, is essential. Each bill must be adjusted to an existing intricate system, and its object must be expressed concisely, clearly and with legal precision. It is, moreover, highly important, for clearness and ease of construction, that all acts passed should be alike as to form. Great Britain and many of the British colonies and provinces have official draftsmen, who draft most of the bills at the request of members.

Besides New York, South Carolina is the only state in the Union that has provided any similar authority. In the latter state at the session of 1868, immediately after the adoption of a new constitution, an act was passed requiring the attorney-general, when requested by either branch of the general assembly, to attend during their sessions and give his aid and advice in the arrangement and preparation of legislative documents and business.¹ In 1880 the attorney-general was authorized to require the assistance during legislative sessions of the state solicitors in the eight judicial districts of the state.² They must, under the direction of the attorney-general, supervise the engrossing and enrolling of bills passed and assist the attorney-general in the drafting of bills, and in other work connected with the session. They receive the same *per diem* as do members of the legislature. In 1900 Massachusetts provided that the attorney-general shall, on request, give advice to legislative committees as to the legal effect of proposed measures.³

Uniform Legislation.—In 1890 New York created a uniform legislation commission, and at present similar commis-

¹ S. C., Statutes at Large, V. 14, No. 2.

² *Id.*, V. 17, No. 249.

³ Mass., 1900, ch. 373.

sions exist in thirty-two states and territories. In 1896 the national conference of state commissioners on uniform legislation recommended for adoption by the various states a general act relating to negotiable instruments. This act has now been adopted by fifteen states¹ and the District of Columbia, but none of these were added to the list in 1900.

The national conference, held at Saratoga Springs in August, 1900, recommended the adoption by the various states of a uniform law relative to divorce procedure. The proposed law provides that no divorce shall be granted for any cause, arising prior to the residence of the complainant or defendant in the state, which was not a ground for divorce in the state where the cause arose; that no person shall be entitled to a divorce for any cause arising in the state, who has not been an actual resident of the state for one year, or for any cause arising out of the state unless the complainant or defendant has resided in the state for two years. Service of notice on defendant is provided for with special care. No divorce is to be granted solely on default, or solely on admissions by the pleadings, or except on hearing before the court in open session. After divorce either party may marry again, but in cases where notice has been given by publication only and the defendant has not appeared, no decree for divorce becomes final till six months after the decision. The purpose of the proposed law is first, to do away with migratory divorces; second, to prevent the granting of speedy decrees against absent defendants who may be ignorant of any suit pending; and third, to do away with the interstate confusion arising from some few states forbidding re-marriage while a great majority of the states permit it.

Lobbying—Massachusetts, Wisconsin and Maryland have attempted to secure publicity relative to lobbying. The Massachusetts act, after which the acts of the other two

¹ Colorado, Connecticut, Florida, Maryland, Massachusetts, New York, North Carolina, North Dakota, Oregon, Rhode Island, Tennessee, Utah, Virginia, Washington, Wisconsin.

states are closely modeled, was passed in 1890 and amended in 1891, 1895 and 1896.¹ The following is a summary of the original act:

Every person, private or public corporation or association employing any person to promote or oppose directly or indirectly the passage of any legislation, shall cause the name of the person so employed to be entered on a legislative docket. Two such dockets must be kept by the sergeant-at-arms, one for legislative counsel and the other for legislative agents. In the docket for legislative counsel must be entered the names of counsel employed to appear at a public hearing before a committee, and any regular legal counsel of corporations or associations who act or advise in relation to legislation. In the docket for legislative agents must be entered the names of all other agents employed in connection with any legislation. In these dockets must also be entered the names of all employers of counsel or agents, the date of employment, the length of time that it is to continue and the special subject or subjects of legislation to which the employment relates. No person may be employed as a legislative counsel or agent for a compensation dependent in any manner on the passage or defeat of any proposed legislation or on any other contingency connected with the acts of the legislature. Within thirty days of the closing of the session every person, private or public corporation or association whose name appears on the legislative dockets as employing legislative counsel or agents, must render to the secretary of the commonwealth a complete and detailed sworn statement of all expense incurred in connection with the employment of legislative counsel or agents, or in connection with promoting or opposing legislation in any manner. Such reports when filed are open to public inspection. Violation of any provision of the act is punished by a fine of from \$100 to \$1,000. The employment by a city or town of its solicitor to represent it before the legislature or any of

¹ Mass., 1890, ch. 456; 1891, ch. 223; 1895, ch. 410; 1896, ch. 342.

its committees, is expressly exempted from the provisions of the act. The act was amended in 1895 and 1896 so as to require counsel and agents to file a written authorization from the person or corporation by whom they are employed.

The Wisconsin act was passed in 1899.¹ It applies to persons, corporations or associations, and specially exempts municipalities and other public corporations. With this exception the act substantially follows that of Massachusetts. The Maryland act was passed in 1900 and like that of Wisconsin follows very closely that of Massachusetts.² It however contains an entirely new clause providing that the governor, whenever any bill is presented for his approval and he has reason to believe that in connection with its passage improper expenses have been incurred, may require any or all legislative counsel and agents and their employers to render a complete and detailed sworn statement of all expenses incurred.

In 1897 Tennessee passed an act declaring lobbying a felony and defining it as personal solicitation of any kind not addressed solely to the judgment.³ In the same year West Virginia prohibited lobbying on the floor of either house while the legislature is in session.⁴

Constitutions.—New Hampshire and Virginia have voted to hold constitutional conventions. The present constitution of New Hampshire was adopted in 1792 and has since been amended but three times. In 1851 a constitutional convention proposed three amendments, one of which was accepted by the people; the convention of 1876 proposed thirteen amendments, all but two of which were adopted; the last convention held in 1889 proposed seven amendments, five of which were adopted. In Virginia an extra session of the legislature convened January 23, 1901, to provide for elect-

¹ Wis., 1899, ch. 243.

² Md., 1900, ch. 328.

³ Tenn., 1897, ch. 117.

⁴ W. Va., 1897, ch. 14.

ing delegates to the convention. The present constitution was adopted in 1869.

Suffrage.—The constitutional amendment submitted to vote in North Carolina to disfranchise the illiterate negro, was adopted and goes into effect in July, 1902.¹ The proposed plan is similar to that adopted by Louisiana in 1898,² and makes ability to read and write a section of the constitution a qualification for voting. This provision applies to whites and blacks alike, but there is a proviso that it shall not apply to any person entitled to vote in any state prior to January 1, 1867, or to the lineal descendant of such person who registers before January 1, 1908. It is, in effect, an ingenious device to disfranchise illiterate negroes without also disfranchising illiterate whites and still keep within the letter of the fifteenth amendment, providing that the right to vote shall not be denied on account of race, color or previous condition of servitude.

Mississippi adopted an educational qualification in 1890, which went into effect January 1, 1892, and the South Carolina convention in 1897 adopted an alternative educational or property qualification, which went into effect January 1, 1898. Florida, Georgia and Alabama are the only states remaining in the black belt of the South that have not restricted the franchise by constitutional provision, and Florida has accomplished practically the same result through a peculiar method of voting.

In June, 1900, Oregon rejected a woman suffrage amendment to the constitution by a vote of 28,402 to 26,265. Woman suffrage exists in four states, Wyoming, Idaho, Utah and Colorado.

Primaries.—California adopted a constitutional amendment in November giving the legislature full power to regulate primaries.³ It may prescribe special qualifications for voting at primary elections or delegate this power to

¹ N. C., 1900, ch. 2.

² La. Const., 1898, art. 197.

³ Cal., 1899, j. r. 35.

the political parties, and it may pass primary laws applying only to political divisions having a certain designated population. The amendment was submitted because of a supreme court decision declaring unconstitutional the primary law of 1897, on account of the provision prescribing the qualifications for voting.¹ The Legislature of 1899 that submitted the amendment also passed a new primary law.² Under this act primary elections are conducted by officers appointed by the local election commissioners and are held at the same time and place for all parties casting 3 per cent of the vote. An official ballot with party columns and blank spaces to be filled in with names of delegates preferred is provided, and the expense of the primaries is a public charge. The Louisiana legislature has adopted a law that shows none of the recent tendency toward state control.³ It provides simply for the regulation of primaries by party committees, subject to simple requirements as to notice, officers, etc.

Voting Machines.—The voting machine is gradually winning its way into public favor. It was used with great satisfaction in many New York cities at the November presidential election. With the voting machine returns can be announced in a remarkably short time, and the opportunity for manipulation and fraud is much reduced. It secures a secret ballot in all cases and can be operated without assistance, even by an illiterate. Ingenious methods have been devised to violate the secrecy of the Australian ballot, but it seems that the voting machine is proof against all such schemes. With it the only way to bribe, and be sure that value is received, is to bribe to stay away from the polls, and this form of bribery can be abolished by compulsory voting.

The first state law authorizing the use of automatic machines was passed by New York in 1892, allowing towns to use the Myers automatic ballot cabinet at elections of town

¹ *Spier v. Baker*, 52 P. 659.

² Cal., 1899, ch. 32, 46, 48, 52.

³ La., 1900, ch. 133.

officers.¹ In 1893 Michigan² and Massachusetts³ permitted the use of voting machines at local elections, and in 1894 New York⁴ authorized their use at all elections. Michigan⁵ passed a similar law in 1895, Massachusetts⁶ in 1896, Minnesota⁷ in 1897, Ohio⁸ in 1898 and Indiana⁹ and Nebraska¹⁰ in 1899. During the past year Rhode Island has created a voting machine commission, to examine machines and make regulations for their use by cities and towns.¹¹ Machines are to be bought by the secretary of state at not exceeding \$250 each and furnished to cities and towns on application, and for this \$15,000 is appropriated. In Iowa the use of voting machines has been authorized at all elections and a commission to examine voting machines created.¹² In 1895 Connecticut authorized the use of McTammany and Myers machines at local elections.¹³ The first permanent state voting machine commission was established in New York in 1897.¹⁴ Massachusetts¹⁵ and Ohio¹⁶ followed in 1898.

Corrupt Practices.—Kentucky has made it unlawful for corporations to contribute to campaign funds.¹⁷ Similar laws were passed by Florida,¹⁸ Missouri,¹⁹ Nebraska²⁰ and Tennessee²¹ in 1897.

¹ N. Y., 1892, ch. 15.

² Mich., 1893, ch. 98.

³ Mass., 1893, ch. 465.

⁴ N. Y., 1894, ch. 764, 765.

⁵ Mich., 1895, ch. 76.

⁶ Mass., 1896, ch. 489.

⁷ Minn., 1897, ch. 296.

⁸ O., 1898, p. 277.

⁹ Ind., 1899, ch. 155.

¹⁰ Neb., 1899, ch. 28.

¹¹ R. I., 1900, ch. 744, 794.

¹² Ia., 1900, ch. 37.

¹³ Ct., 1895, ch. 263, 333.

¹⁴ N. Y., 1897, ch. 450.

¹⁵ Mass., 1898, ch. 378, 548.

¹⁶ O., 1898, p. 277.

¹⁷ Ky., 1900, ch. 12.

¹⁸ Fla., 1897, ch. 24.

¹⁹ Mo., 1897, p. 108.

²⁰ Neb., 1897, ch. 19.

²¹ Tenn., 1897, ch. 18.

Civil Service Reform.—The revised charter of New Orleans, adopted in 1896, contained stringent provisions for the adoption of the merit system. It provided for the appointment, by the mayor, with the consent of the council, of a board of three civil service commissioners for terms of twelve years. The salary of the commissioners was fixed at \$3,000, and no person was eligible for appointment who had been a candidate for or who had held any municipal office within four years, and no member of the commission could, during his term of office, be a candidate for or hold any state, national or local office, nor be a member of any municipal political committee or convention, nor be eligible for any state office within four years of the expiration of his term of office. The mayor could remove any commissioner for misconduct on rendering a statement of the cause to the council. The names of persons passing examinations were to be certified in order of their relative excellence as determined by examination, without reference to priority of time of examination. No officer or employee in the classified service could be removed except for cause on written charges and after hearing, the charges to be investigated by the board of civil service commissioners or by some officer or board appointed by the commission, but any officer could suspend a subordinate for a period not exceeding thirty days.

The stringent provisions of this law are all nullified by that of 1900. This act reorganizes the board so that it shall consist of the mayor, treasurer, comptroller and two members appointed by the mayor who shall hold office during the term of the mayor. All candidates securing an average of 70 per cent on examination are eligible to appointment. The appointment is on probation for six months, and after that time entitles the appointee to hold the position until the expiration of the term of office of the appointing officer. The board is required to hold an examination within thirty days after the opening of each new municipal administration. In every such general examination all persons, either

holding or desiring to hold positions in the classified civil service, are obliged to participate. A long list of officers and employees is exempted from the provisions of the act. All lists of candidates eligible for appointment prepared by the former board are rendered void and all offices and positions subject to the provisions of the act are vacated. The act can scarcely be considered an application of the merit system as it seems especially designed to secure a clean sweep with each new administration.

Municipal Government.—A joint legislative committee has been appointed in Iowa to revise and codify special assessment laws and such other municipal laws as it may deem necessary.¹ In New York the Governor appointed a commission of fifteen persons to revise the charter of New York city,² and its report has been recently submitted to the legislature. The bill prepared by the Ohio municipal code commission, appointed in 1898, and which was submitted to the legislature of 1900, failed to pass.

Municipal Monopolies.—The law of New Mexico of 1897, vesting cities and towns with power to regulate the price of gas, electric light and water, has been declared unconstitutional by the state supreme court, on the ground that the Legislature cannot delegate such power to consumers without providing for a judicial investigation of the reasonableness of the rates established.³ Iowa has authorized cities and towns to establish heating plants, assess taxes for them and fix regulations for corporations or individuals supplying heat.⁴ Louisiana has authorized municipalities to appropriate private gas and electric light plants,⁵ and Texas has made it unlawful for cities and towns to lease or sell water systems except by vote of the electors.⁶

¹ Ia., 1900, ch. 176.

² N. Y., 1900, ch. 465.

³ N. M., 1897, ch. 57, *Agua Pura Co. v. Las Vegas*, 60 P. 208.

⁴ Ia., 1900, ch. 19.

⁵ La., 1900, ch. 111.

⁶ Tex., 1900, ch. 6.

Counties.—New Jersey has adopted an act for the reorganization of the government of counties of 150,000.¹ The act provides for a county supervisor and board of chosen freeholders, elected by the people. The county supervisor is the chief executive officer and may recommend to the board of chosen freeholders such measures as he deems necessary. It is his duty to see that the laws and ordinances of the county are enforced, to exercise constant supervision over the conduct of all subordinate officers, to examine into all complaints against them for violation or neglect of duty, and if any officer be found guilty of charges brought against him he may be suspended or removed by the county supervisor. The ordinances and resolutions of the board of chosen freeholders are presented to the county supervisor for approval, and if he disapproves, a two-thirds vote is necessary for passage. The board of chosen freeholders appoints a county physician, engineer, warden of penitentiary, warden of county jail, superintendent of almshouse, superintendent of each hospital, penitentiary physician, jail physicians and physicians for each hospital, and such other officers and agents for the transaction of county business as may be determined by resolution of the board. Members of the board receive a salary of \$500 and the county supervisor a salary of \$2,500.

In Ohio a state commission on fees of county officials has been established, consisting of the secretary of state, auditor and attorney general. It is required to prepare schedules of legal fees, and to report biennially to the legislature.²

ROBERT H. WHITTEN.

New York State Library, Albany, N. Y.

¹ N. J., 1900, ch. 89.

² O., 1900, p. 40.

FRATERNAL INSURANCE IN THE UNITED STATES.¹

There are in the neighborhood of six hundred fraternal beneficiary societies in the United States, with an aggregate membership of about five millions. Approximately one-half of these societies maintain systems of benefits which are chiefly remedial, and which cannot properly be characterized as systems of insurance. During the year 1899, one of the largest orders providing this kind of benefits expended \$3,119,125.47 in relief work. Yet the organization in question is not a fraternal 'insurance' society. It simply does relief work on a grand scale.

Very different in nature are the benefit systems and protective features of the other half of the fraternal system. The societies of this class may engage in relief work similar to that of the other class, but they attempt more and something fundamentally different. They bind themselves by contract to pay a certain sum of money as "relief," "benefit," or "protection," on the occurrence of certain events; such as sickness, disability, death, etc. The important consideration in these cases is the fact that a specific sum of money is to be paid to some beneficiary as soon as certain designated contingencies have arisen. This sum of money is named in the "certificate," together with the name of the beneficiary, the amount of his periodical "contributions," etc. In view of the fact that so many persons connected with fraternal societies object to the use of "old line" terms, it may be well to explain that the writer selected the title of this paper, "*Fraternal Insurance*," after some deliberation. It is his intention to confine this discussion to what

¹ The writer discusses the social functions of Fraternal Beneficiary Societies in a volume edited and published by the Committee of Fifty, entitled "Social Substitutes for the Saloon." He also treats of the general features of the fraternal system in an article published in the *American Journal of Sociology*, for March, 1901.

is expressed in the title ; namely, to *insurance* carried on by *fraternal* societies. Here one is at once met by the objection that fraternal societies, as a class, do not engage in insurance business, and that they are far removed from the material motives of "speculative" insurance companies. The answer to these objections is apparent: Any organization which guarantees the payment of a definite sum of money, under certain circumstances, dependent upon the contingencies of human life, in return for certain contributions, does an *insurance* business. We may call the document relating to this arrangement a "certificate;" the payments made periodically "contributions," "fees," "dues," etc.; the final payment, on the occurrence of the specified contingencies, "benefits;" the whole is nevertheless an *insurance contract*, pure and simple, and the society issuing such a certificate is doing an insurance business, subject to all the laws and principles applicable to insurance in general. This last proposition, long accepted by a few fraternal societies and ignored or bitterly contested by many others, deserves especial emphasis.

The dual nature of fraternal societies has probably been partly responsible for the perpetuation of the fallacy that *insurance* is one thing and that *fraternal insurance* is another and a different thing. The fraternal societies falling within the scope of this essay—one-half of the total number—are *both* fraternities and insurance companies, the fraternal element sometimes overshadowing the beneficiary features, or *vice versa*. It is probable that the cohesive power of numerous societies doing an insurance business would fail were not the fraternal features so potent. In the preservation and extension of the field which the fraternal element has gained, and in the thorough reformation of defective "benefit systems" must lie the future development of the entire fraternal system.

Evidence to show the existence of defective schemes of fraternal insurance is not far to seek. In a circular issued

by one fraternal society the position is maintained that mortality experience cannot be reduced to law! Another attempts to prove that the addition of new members will always keep the average age of the entire membership down to a certain level, and that with additional effort the same can permanently be reduced. How to do this—to follow the argument to its logical conclusion—without ultimately including the population of the world, and then making the populated globe larger, the author does not explain. Still another asserts that “the death of some members soon after joining the order does not weaken the association. The first death in the order is a case in point. Our deceased friend held a \$3,000 contract and had paid only one assessment of \$3. The amount placed in the reserve fund by reason of his death was, therefore, \$897. This was loaned at 5 per cent, and brings in \$44.85 per year. If he had lived, the most he could have paid in twelve assessments would have been \$36 a year. Yet the sum that his death added to the reserve fund is earning more than that, and in time will make good the amount paid to his beneficiaries.” In spite of such gross fallacies this society is “gaining members rapidly” in one of our greatest commonwealths.

It would be a thankless task to rehearse the long tale of failures among fraternal societies. Besides, old line companies and other departments of the mercantile world have had their epidemics of financial ruin. Yet, excepting paper money crazes, history probably affords no parallel to the blind and persistent adhesion which so many people in all parts of the United States have shown to hopelessly unsound schemes of fraternal insurance. An examination of many such schemes leaves upon one the impression that their promoters thought of certain sums of money to be paid as benefits under certain conditions on the one hand; and of certain contributions which it might be convenient to make, on the other; without apparently reflecting upon a possible causal connection between the two. The history of such

organizations is quite generally the same. A rapid increase in membership, possibly also a simultaneous reduction in the average age; a gradual increase in the death rate, accompanied by increasing difficulty in securing new members; an increase in assessments or rates and loss of members, or an attempt to slide along without raising assessments; and finally, financial failure. That some fraternal societies are thoroughly sound, financially, and that others have successfully advanced rates and maintained the integrity of their organizations does not affect this general statement. On the other hand, the very fact that an increase in contributions was found necessary in various societies is *prima facie* evidence that the original scheme was financially unsound.

A late and important failure illustrates this. "At the time of organization no attention was paid to mortality tables. As the members began to grow old and the dues increased it was found that the assessments had been fixed too low to meet the obligations. At various times since the institution of the order it has been found necessary to increase the assessments, but old members agreed to pay the increase because they had reached an age when insurance in a regular life company could no longer be obtained. Another inducement for continuing in spite of the larger assessments was the fact that they had so much money invested in the organization that they felt they could not afford to lose it."

The two following tables further illustrate the same type of organizations. The first column in each table gives the total membership and the second records the number of deaths per 1,000, during successive years:

I.	II.
62,457—12.5	126,128—13.7.
62,574—13.0	131,031—13.2.
61,355—15.4	135,368—14.8.
60,554—16.4	132,674—16.1.
60,076—16.5	127,073—16.1.

I.	II.
56,060—16.1	123,380—16.4.
53,210—18.4	119,785—16.6.
36,028—21.8	115,212—17.7.
21,316—26.8	96,633—19.0.
19,119—30.1	89,679—22.3.
16,894—33.9	82,256—22.2.

The Proceedings of the National Fraternal Congress for 1899 contain the following statistics compiled by one of the representatives. The numbers indicate the rates paid for the same kind of insurance, at the same age, in different societies:

At age 30: 25c., 35c., 37½c., 44c., 45c., 46c., 50c., 55c., 56c., 60c., 62c., 64c., 65c., 69c., 70c., 80c., 82c., 84c., 85c., 90c., 92c., \$1.00, \$1.04, \$1.10, \$1.11, \$1.14, \$1.16, \$1.19, \$1.21, \$1.22, \$1.40.

At age 50: 65c., 75c., 80c., 85c., 90c., \$1.00, \$1.10, \$1.16, \$1.20, \$1.25, \$1.33, \$1.38, \$1.40, \$1.42, \$1.45, \$1.50, \$1.53, \$1.55, \$1.58, \$1.60, \$1.65, \$1.72, \$1.78, \$1.80, \$1.85, \$1.86, \$1.90, \$1.96, \$2.00, \$2.07, \$2.08, \$2.15, \$2.35, \$2.45, \$2.52, \$2.56, \$2.86, \$2.90, \$3.00, \$3.30, \$3.80.

Still more elaborate comparisons are made in the subjoined table, exhibiting, except in columns 1, 11 and 12, level annual rates for \$1,000 of whole life insurance. Column 1 gives ages. Column 2 gives the net annual level premiums based upon the American Experience Table, with 4 per cent interest. Since *net* premiums provide for the so-called reserve and mortality elements only, but not for the loading or expense element, the premium actually collected, gross or office premium, must be considerably in excess of what is indicated in this column. The assumed rate of interest is perhaps too high for a time when a number of leading companies are going over to a 3 per cent basis. This would necessitate another addition to the net premium, for the lower the assumed rate of interest, the higher must the premium be. Column 3 contains the net annual level rate per \$1,000 of

whole life insurance, adopted and recommended by the National Fraternal Congress. Columns 4, 5, 6, 7, 8 and 9 show the rates collected by as many different fraternal societies for \$1,000 of whole life insurance.

Comparative Exhibit of Fraternal and American Experience Tables.

Age.	Level Annual of Insurance.					Premiums for \$1,000.					Probability of Dying.	
	2.†	3.‡	4.	5.*		6.	7.	8.*	9.*	10.†	11.	12.
21	12.95	10.62	7.08	4.80		4.80	9.60	8.40	7.56	14.72	.007855	.005035
22	13.24	10.92	7.32	"		"	10.40	"	7.68	15.04	.007906	.005071
23	13.54	11.24	7.68	"		"	"	"	7.80	15.38	.007958	.005107
24	13.87	11.57	7.92	"		"	"	"	7.92	15.74	.008011	.005153
25	14.21	11.92	8.16	"		"	"	"	8.04	16.11	.008065	.005201
26	14.57	12.28	8.40	"		"	"	"	8.16	16.51	.008130	.005259
27	14.95	12.67	8.76	"		"	"	"	8.40	16.92	.008197	.005318
28	15.35	13.08	9.00	"		"	11.20	"	8.64	17.35	.008264	.005388
29	15.77	13.51	9.36	5.40		5.40	"	"	8.88	17.81	.008345	.005469
30	16.21	13.96	9.72	"		"	"	10.08	9.02	18.28	.008427	.005552
31	16.68	14.43	10.08	"		"	"	"	9.26	18.79	.008510	.005647
32	17.18	14.94	10.56	"		"	12.00	"	9.50	19.32	.008607	.005753
33	17.70	15.47	11.04	"		"	"	"	9.74	19.87	.008718	.005872
34	18.25	16.03	11.40	"		6.00	"	"	9.98	20.46	.008831	.006004
35	18.84	16.62	11.76	"		"	12.80	"	10.22	21.08	.008946	.006149
36	19.46	17.24	12.24	"		"	"	"	10.46	21.74	.009089	.006307
37	20.12	17.90	12.72	"		"	"	12.00	10.70	22.43	.009234	.006490
38	20.82	18.60	13.08	6.00		6.00	"	"	11.06	23.16	.009408	.006698
39	21.57	19.34	13.80	"		"	13.60	"	11.42	23.93	.009586	.006921
40	22.35	20.11	14.40	"		"	"	"	12.00	24.75	.009794	.007171
41	23.19	20.93	15.12	"		"	14.40	"	13.20	25.62	.010008	.007448
42	24.08	21.80	15.84	6.60		7.20	"	"	14.40	26.54	.010252	.007766
43	25.03	22.72	16.56	"		"	15.20	"	15.60	27.52	.010517	.008113
44	26.04	23.69	17.28	"		"	"	14.40	16.80	28.56	.010829	.008481
45	27.12	24.72	18.12	"		7.80	"	"	17.00	29.67	.011163	.008867
46	28.27	25.81	18.96	"		8.40	16.80	"	18.20	30.84	.011562	.009287
47	29.50	26.91	19.80	7.20		9.00	"	"	19.40	32.09	.012000	.009754
48	30.81	28.20	20.76	7.80		9.60	17.60	"	20.60	33.43	.012509	.010269
49	32.21	29.51	21.72	8.40		10.20	"	"	21.80	34.85	.013106	.010828
50	33.70	30.98	22.80	9.00		10.80	19.20	"	22.00	36.36	.013781	.011440
51	35.29	32.39	24.00	9.60		11.40	"	"	"	37.97	.014541	.012133
52	36.98	33.97	25.20	10.20		12.00	"	"	"	39.68	.015389	.012897
53	38.79	35.65	26.64	10.80		12.60	"	"	"	41.51	.016333	.013751
54	40.73	37.45	28.08	11.40		13.80	"	"	"	43.46	.017396	.014677
55	42.79	39.36	"	12.00		15.00	"	"	"	45.54	.018571	.015705
56	45.00	41.41	"	12.60		"	"	"	"	47.76	.019885	.016857
57	47.35	43.60	"	13.20		"	"	"	"	50.13	.021335	.018120
58	49.87	45.94	"	13.80		"	"	"	"	52.66	.022936	.019494
59	52.57	48.45	"	14.40		"	"	"	"	55.37	.024720	.021051
60	55.45	51.13	"	15.00		"	"	"	"	58.27	.026693	.022750
61	58.54	"	"	15.60		"	"	"	"	"	.028880	.024643
62	61.84	"	"	16.20		"	"	"	"	"	.031292	.026724
63	65.39	"	"	16.80		"	"	"	"	"	.033943	.029030
64	69.18	"	"	17.40		"	"	"	"	"	.036873	.031571
65	73.25	"	"	18.00		"	"	"	"	"	.040129	.034904

* Secured by multiplying the *monthly* rate by twelve.

† Gross premiums.

‡ Net premiums.

For columns 5, 8 and 9 the annual rate was secured by multiplying the monthly rate by twelve. The product is

consequently too large, for monthly payments must necessarily be greater than one-twelfth of the annual premium to compensate for loss of interest and the lesser losses due to intervening mortality. Annual premiums are always supposed to be paid at the beginning of the year, thus giving the society the benefit of the interest earnings during the year. In case of monthly payments these earnings are appreciably smaller because of the reduced periods of time during which loans can be made. Column 10 exhibits the gross or office level annual premiums charged by a society which aims to provide pure insurance at the lowest possible cost under a mutual system. This table has the sanction of able actuaries. Columns 11 and 12 show the probability of dying according to the American Experience and National Fraternal Congress Tables respectively. In these columns one finds the reason for the differences existing between columns 2 and 3, the probability of dying being correspondingly lower in column 12.

It will be noticed that the premiums in column 3 are approximately one-sixth lower than those in column 2, up to age thirty-five; and that for ages above thirty-five they are only about one-tenth lower. Although the rates of column 4 are generally one-third below those of the Fraternal Congress, they show system and careful calculation, as a comparison with columns 2 and 11 and 12 will readily reveal. Columns 5, 6, 7, 8 and 9 are fair examples of that type of fraternal societies which attempt to make the world believe that accepted mortality tables are thoroughly bad and that *they* can furnish insurance or "protection" at rates from one-half or one-third to one-fourth of "old line" rates. They promise benefits out of all proportion to the contributions made, and sooner or later go into inevitable ruin. Column 10 shows the table of rates prepared by competent actuaries for a society which aims to furnish insurance at the lowest possible cost consistent with safety and efficiency. This society, furthermore, aims to eliminate

the investment features from its insurance, and to restrict its business to the furnishing of mere life protection. If the *relief* work of many fraternal societies may be characterized as remedial, the insurance of this society may be described as *preventive*, just as tontine and semi-tontine policies may be termed *speculative*. Modern life insurance as a whole is primarily preventive; whereas in its beginnings, insurance was chiefly remedial. The transition from the remedial to the preventive form was made possible only by the scientific formulation of accumulated experience, and the transaction of insurance business on the basis of this experience. Accumulated experience eliminated gradually the chance or speculative element which was so prominent in some earlier forms of insurance, such as the maritime or sea loan in connection with which some life underwriting was also done. Although an element of speculation still survives and the investment¹ features of many policies are predominant, modern life insurance is the greatest engine of prevention which the world has known. Failure to recognize the scientific truth that the efficiency of this preventive work depends absolutely upon rigid adherence to health experience has not only brought disaster to thousands of fraternal societies, but has tended to throw the entire fraternal system into disrepute as well as to discredit insurance in every other form.

The fact is, therefore, worthy of emphasis that the National Fraternal Congress has for some time recommended a table of rates (column 3) which is the result of years of work of a standing committee of this body. Like all other scientific tables of rates, this is based upon a mortality table. Only a part of the Fraternal Congress Mortality Table is given in column 12. The committee took into consideration the published experience of old line companies in the United States and several foreign countries, and the

¹ No attempt is here made to discuss the use of this word in insurance terminology.

experience of several of the largest and oldest fraternal societies in this country. The committee was unanimously of the opinion that the Actuaries' and American Experience Tables are too high both from the experience of the old line companies and from that of fraternal societies. Having reached this conclusion, the committee combined the various actual mortality experiences into a new mortality table. The latter was made the basis of the premium rates in column 3; and, in addition, of step-rate and modified step-rate plans. A fraternal society might accept the mortality table without adopting the schedule of rates. For instance, column 3 assumes 4 per cent interest. This is probably too high for the present; hence, a society desiring to assume an interest basis of 3 or $3\frac{1}{2}$ per cent could construct its own tables on the basis of the mortality table, giving it, of course, a *higher* rate of net annual level premiums than those of column 3. The chief significance of the work of this committee on rates lies in the official recognition which has repeatedly been given by fraternalists to this kind of work, and the inference that any fraternal society whose experience is more unfavorable than that assumed in the Fraternal Congress tables is faulty either in plan or management, or both. It is doubtful, however, whether fraternalists as a body sufficiently realize the advantage of *assuming* a more unfavorable mortality rate than their own experience realizes. No one will be inclined to question the desirability if not also the necessity of erring on this side of the line.

Here we are confronted by the question of reserve and surplus. An ideal system of pure life insurance would be one in which the actual experience is identical with that assumed in the mortality table upon which the organization in question bases its tables of premium rates; in which the interest earnings are exactly equal to the assumed rate; in which the expenses of management absorb only the sums set apart as loading; and in which there exist no lapses,

surrender values, etc. It is needless to add that such an ideal can never be fully realized in practice. To base gross premiums or assessments on the lowest possible death rate, a high rate of interest, and the least allowance for expenses of management, and then encounter experience more unfavorable than that which was assumed in estimating premiums, in any one or more of these lines, if continued for a longer or shorter period of time, can result in nothing but failure. To assume too high a rate of mortality, too low a rate of interest, and too heavy an expense in administration, makes premiums unnecessarily high, and results in the accumulation of a large surplus. This is what fraternal societies object to; yet, if an error is made, it should certainly be made in this rather than in the opposite direction; and with wise management, under a participating system, a distribution of these accumulated funds will ultimately be of benefit to the policy-holder. With a relatively small number of exceptions, fraternal insurance societies have erred not only in neglecting scientific mortality tables, but also in assuming experiences much too favorable under present social conditions. On the other hand, their aim to provide pure insurance at the lowest possible cost is a laudable one, and, when accepted business methods are pursued, capable of diffusing great benefits among members. The accumulation of an enormous surplus is considered inconsistent with fraternal principles; yet it should be added that the accumulation of no surplus whatever is probably always (except in "natural" plans) inconsistent with safe business principles, because it signifies either that interest, cost of insurance, and loading, as assumed, are exactly realized in practice, in which case the ideal would have been attained; or, which would be disastrous, that experience is more unfavorable than the assumptions on which the business is based. Prudence would dictate that at least a small margin should be allowed for adverse conditions. So much for the question of a surplus.

Somewhat different in nature but of even greater importance is the question of a reserve. The National Fraternal Congress has almost from the very first included this among the subjects for discussion, and the organization of an *American* Fraternal Congress at Omaha, in October, 1898, making the chief qualification for membership the adoption of a reserve system, is significant in that it shows a well-marked division of opinion among fraternalists on the question of reserves. The National Fraternal Congress has not yet taken steps making it obligatory on the part of its members to adopt a reserve fund; yet, speakers before this body have repeatedly urged the necessity of adopting reserve systems. A number of societies—consistent with the traditional fraternal dislike for old-line terms—have established “safety” or “emergency” funds, which are technically reserve funds. Several prominent fraternalists expressed their approval of both a reserve and a “natural” plan before the National Fraternal Congress of 1900, and similar utterances were made before the same congress during earlier years, notably in 1893, 1894 and 1898. An examination of all the proceedings of this congress gives the reader the impression that there is an unmistakable tendency among fraternal insurance societies toward the reserve or natural premium plans, especially the former.

Disregarding several minor considerations, under a reserve plan the premiums are “level,” *i. e.*, do not vary in amount during the premium-paying period of the policy. Since the “cost” of insurance—*i. e.*, moneys required to meet current mortality losses—increases with increasing age, it follows that under a level premium system the earlier premiums are greater and the later premium payments less than the cost of insurance for the age represented by the policy holder in question. That part of the level premiums which is in excess of the current cost of insurance is improved with interest and “reserved” to counterbalance the deficiencies of later level premiums. In other words, every level premium

embraces an *investment reserve*, in addition to other elements which need not be discussed here, with which future losses are met. Under a "natural" premium plan the policy holder—again disregarding loading, etc.—pays just enough to cover the cost of insurance for his age, and no more. Natural premiums are, consequently, low during youth and increase with advancing years, until finally they become practically prohibitive. Assuming that the premiums are payable at the beginning of the year, it is evident that even under the natural system some reserve exists with which to meet losses during the year. This form of reserve may be termed *insurance reserve*. It is used to meet current losses and is greatest at the very opening of the year, gradually decreasing until at the end of the year it is completely exhausted.

The tables of the Fraternal Congress admit of both the reserve and the natural premium plans. The reserve plan involves the adoption of a level premium table like that given in column 3 of the Comparative Exhibit, and the natural plan is illustrated in the table given below. Both tables of rates are based upon the same mortality tables. The committee on rates of the Fraternal Congress has also prepared other modifications of the natural plan, but this one will suffice for purposes of illustration.

STEP-RATE AND MODIFICATIONS.

1. Ages.	2. Annual.	3. Monthly.	4. Monthly.	5. Monthly.
21-25	\$ 5 11	\$ 45	\$ 60	\$ 75
26-30	5 40	48	63	78
31-35	5 93	52	67	82
36-40	6 71	59	74	89
41-45	8 14	72	87	1 02
46-50	10 25	90	1 05	1 20
51-55	13 82	1 21	1 36	1 51
56-60	19 60	1 72	1 87	2 02
61-	54 01	4 73	3 00	2 50

The report of the committee contains the following explanation of this table: "Column 2 gives the annual rates for the natural step-rate to age 61, and a level rate from that age for the balance of life. Column 3, the monthly rates as derived from the annual rates, with allowance for slight loss due to that method of payment. These two columns are the basis for calculating columns 4 and 5. Column 4 shows a modification of the natural step-rate by means of an accumulation of 15 cents per month, which is used to reduce the level cost from age 61 to \$3.00 per month. Column 5, a similar modification, but with an accumulation of 30 cents per month and a level cost from age 61 of \$2.50 per month. Under either of these plans all members pay the same rates at the same attained ages. The purpose in view in these tables is to have a plan that requires but little detail in its operation, so as to be readily comprehended by the officers of the local lodges." It will be noticed that an "accumulation" is provided for in the rates of columns 4 and 5. This is technically a form of reserve, and in so far as these accumulated funds permit the payment of premiums at advanced ages smaller than the cost of insurance, they perform exactly the same function as those performed by the reserve under the level premium system. The expediency of such an accumulation plan can scarcely be questioned. Fraternal societies have suffered again and again from losses in membership due to an increase in the size and number of assessments, or both. Men seem to object to constantly increasing payments, and in this lies the inherent weakness of the "natural" premium plan. It is thoroughly sound. It cannot fail, but as a method of doing business it has serious faults; and, as long as human nature remains what it has been and still is, the natural plan is open to strong objections. Remembering that out of every thousand fraternal policies ninety-four lapsed during the year 1898, and that in one society nearly 23 per cent dropped out, it is safe to assume that a more general introduction of

the natural premium plan can only result in a continued high rate of lapses. The present high rate of lapses is unquestionably the result of a variety of causes, but it seems improbable that a system of premiums steadily increasing with the advancing years of the policy holder should do anything to check this movement. From a business point of view the adoption of level rates seems most expedient. Furthermore, since fraternal societies avowedly find their constituencies among persons of limited financial resources, and whose earning capacity sometimes decreases rapidly after middle life has been reached, the introduction of limited payment certificates or policies is worth consideration. Not only does the natural plan with its markedly rising cost of insurance in the higher ages levy a severe tax on the earnings of the small policy holder, but the level premiums even may become too burdensome. Fraternal societies strive to furnish, among other benefits, pure whole-life insurance. When this involves *life long* annual or other periodical payments, the policy holder can see no end except death, to the number of his contributions. This objection holds against all whole life, unlimited payments policies; and consequently all insurance organizations must meet this proposition. It seems desirable that a person's heaviest contributions should fall within the most productive years of his life. Both the experience of fraternal societies with increasing assessments and the composition of their membership point to the desirability of the introduction of some limited payment premium systems.

The insurance of women has not yet been highly developed. In the membership of fraternal societies women have increased very rapidly, as the following figures will show:

1892	319	1896	17,037
1893	2,429	1897	24,049
1894	5,450	1898	43,158
1895	9,765	1899	73,864

In his annual report for 1894 the registrar of friendly societies for New Zealand states that "there is a manifest growth of opinion in favor of the formation of branches of friendly societies for women." What proportion of the women membership carries insurance it was impossible to determine. Judging by the expressions of opinion collected by a prominent woman's society, and published in the *Proceedings of the Fraternal Congress* for 1898, much sentiment exists in favor of insuring women at the same rates prevailing among men's societies. The argument was even advanced that, as insurance risks, women are preferable to men. Some old line companies evidently do not accept this as a fact, for they still levy an extra charge on women's policies. The accumulation of experience on the part of women's fraternal societies, or women's branches of fraternal societies, will be of great value in establishing insurance among women on a sounder basis. In view of the fact that there are thousands of women who are economically dependent upon themselves, and who support others dependent upon them, a growth of insurance among this class of women deserves to be encouraged. The fraternal societies of the United States are in a position to do this to a considerable extent.

One of the chief, and doubtless also the most important, causes of the defects in the insurance schemes of beneficiary societies is found in the legislation relating to the same. *Laisser faire* has prevailed altogether too much in the fraternal system. A few simple statutes could have avoided untold mischief in the past. There is still time to protect properly the future.

Students of legislation of the different states of our Union are familiar with the lack of uniformity, inconsistencies and incompleteness of the statutes relating to the same subject. Our insurance laws are no exception. One finds in them all the lack of harmony which exists in some other fields. The laws relating to fraternal societies are even worse. In six states no legislation governing fraternal exists. This is

practically true in twenty others, except that in these states fraternal societies are expressly exempted from the provisions of statutes relating to other insurance companies. In two states this exemption is contingent upon the limitation of insurance certificates to five years or less; and, in several others, upon the fact that neither agents nor salaried officers shall be employed. Fifteen states have laws with varying degrees of completeness on the subject, and in four of these the statutes are tolerably complete. Several states, together with the District of Columbia, have adopted the Uniform Bill which the National Fraternal Congress has for some years recommended. How great the need of uniformity really is the following paragraph, copied from the report of the Committee on Statutory Legislation, submitted to the Congress of 1899, strikingly illustrates:

A society of this Congress recently applied for license to do business in Missouri, and it was admitted to that state on its compliance with a rule that required it to change the language of its benefit certificate, so that the amount to be paid to the beneficiary of the deceased member should be a certain stated sum, and that the stated amount should not be qualified by the further provision (which before that time had been in its certificate) that the sum to be so paid should in no event exceed the amount collected from one assessment on each member of the society, in good standing at the time of the death of the member. Another society of this Congress recently applied for license to do business in the State of Massachusetts, and among the reasons assigned by the commissioner of that state why license should not be granted to it was that its benefit certificate was for the payment of a stated amount, *without having the qualifying clause that the amount so paid should in no event exceed one assessment on each member in good standing at the time the member's death should occur.* That which was deemed to be against public policy in Missouri was regarded as a virtue in Massachusetts, and in each instance the society was requested to comply with the settled and well-defined rule of the state to which it made application for license, and to comply with the rule of one would cause a refusal to issue license by the other.

One of the questions contained in a circular addressed by the writer to about six hundred fraternal officers called for

suggestions as to improvements in legislation affecting fraternal beneficiary societies. From the replies received the following are selected as representative. Each number refers to a single report:

1. The establishment of minimum rates; make it impossible for professional promoters to start new societies; prevent insurance departments from discriminating against fraternal and from charging excessive fees.

2. Establish uniform minimum rates; establish a strong reserve; enact a uniform national law; settle disputes by arbitration and *never* in court, except by mutual agreement.

3. The several states should enact the Uniform Law recommended by the Fraternal Congress; or Congress should assume control of these societies.

4. "The absolute right of each fraternal association to manage its own affairs without dictation from the Insurance Department, provided the association is a member of the National Fraternal Congress."

5. The enactment of a national law; require only one report from each organization to the National Insurance Department. "This would do away with multiplicity of reports, and prevent undue tinkering with the statutes."

6. "To be let alone with the blessings of God. Legislatures have almost annihilated the fraternal idea by making it conform to insurance schemes and requirements alien to co-operation."

7. "I believe that the state insurance departments should exercise supervision over the affairs of every fraternal benefit society which insures its members. I believe the requirements of such supervision should be uniform throughout all the states; but I would not recommend national supervision."

8. A uniform law for all the states, or a national law.

9. "Fraternal insurance will only become of value, lasting benefit, and established on a perfectly sound financial basis, when every state in the Union enacts a general fraternal

law that no order of a fraternal nature, claiming to give fraternal insurance protection shall even be chartered, unless the rates of assessment of such order shall be at least based on the American Mortality Tables (or possibly those of the Fraternal Congress), and that all fraternal orders be compelled by law at once to adopt these rates."

The reports of both the president and the vice-president of the Congress of 1900 contain recommendations along lines indicated in the above extracts. It is there stated that mortality tables can be elaborated with mathematical precision, and that fraternal as well as "commercial" insurance ultimately rest upon the same insurance principles. Both of these officers urge the adoption of the Fraternal Congress rates as a minimum. Two important points of superiority claimed for fraternal insurance are better selection and lower expense rates. The former, it is claimed, is in part due to the "double" selection coincident with the lodge system, under which the medical examination of the applicant is supplemented by the test of meeting the approval of the membership of the lodge. Points which might escape detection by the medical examiner may be known to individual lodge members, and this would be sufficient to reject the risk. The latter—the expense item—is made much of. By confining themselves to *pure* insurance, *i. e.*, insurance free from investment and speculative elements, fraternal societies claim that they can conduct their business with much greater economy. Fraternal officers point with pride to an estimated average expense of \$1.03 for every \$1,000 of insurance in force among the forty-seven societies comprising the Congress, while twenty-eight old-line companies, in their reports to insurance departments, show an expense of \$10.30 per \$1,000, or exactly ten times as large. Because of the many differences existing in the two systems in the kinds of policies written, this comparison of expenses may require modification; yet it must be admitted that the ambition of fraternal societies to furnish pure insurance at the

lowest possible cost to the policy holder is a commendable one, and capable of diffusing the benefits of insurance among much wider circles than has hitherto been possible. Old-line companies have been introducing reforms in their systems of paying commissions to agents; and the desirability of limiting, by statute, the aggregate amount of insurance in force in any one company has been seriously proposed by officials of our giant companies. The possibilities of the fraternal system, when once thoroughly reduced to a sound business basis, are practically unlimited.

The demand for greater uniformity among the laws of the several states or for federal legislation is very strong. Some of the ablest and most prominent fraternal officials favor a federal law and national supervision. This involves constitutional questions concerning which nothing need be said in this connection. It also calls forth diverse opinions with respect to the question of greater centralization of power in the federal government. However, there can be but one opinion as to the desirability of greater uniformity, whether brought about by congressional action or by concerted movements in the different states. The National Fraternal Congress, through its representatives, has for several years been striving to secure the adoption of the Uniform Bill, the chief contents of which can be briefly indicated.

The bill is entitled "An act regulating fraternal beneficiary societies, orders or associations." Section 1 opens with a definition, which is conspicuously wanting in most of the existing laws. This definition is but an elaboration of what were enumerated as the essential characteristics of a fraternal society, at the organization meeting of the Congress in 1886, and which have since been modified and repeated in successive editions of the constitution of the Congress. No society is considered fraternal unless it practices a ritual, has a system of lodges, a representative form of government, pays benefits, and does not conduct its business for profit. At the meeting of the Congress in 1900, a

representative form of government was defined as "one in which there is a corporate meeting of the supreme legislative body, provided for as often as once every three years, to be composed of the officers and, in addition, delegates representing the membership; to which meeting sole power is given to adopt and amend by-laws, and to elect the chief officers of the order, and in which the term of no officer so elected shall be longer than until the next regular session of such governing body." Both the law and the constitution of the Congress distinguish sharply between "assessment" and fraternal societies. A fraternal society may adopt an assessment system of benefits, but it must, in addition, possess all the other fraternal elements; while an assessment society does not necessarily incorporate one or more of the fraternal characteristics. A fraternal society *may* consequently be an assessment society (until after the general adoption of level or step rates), but a pure assessment society is not a fraternal society. In some states special laws have been enacted to govern old line, assessment, and fraternal insurance organizations, respectively.

Any society coming within the description just given, but organized under the laws of another state, may be admitted to a state having adopted the uniform law, by appointing the Insurance Commissioner as its legal representative, and filing its charter, constitution, etc., for which a small fee is charged. Societies of other states, on application, may be examined by the Insurance Commissioner at a cost not to exceed \$50, in certain cases. The president of the last congress, in his annual report, favors a graduation of fees for examination, varying from \$100 to \$500, depending upon the membership of the society examined. That the limitation of fees to be paid to examiners is necessary, the experience of one large order demonstrates. This society uncomplainingly paid \$2,307.40 for an examination made, at its request, by the Insurance Department of one of the states. Not long after, the officers of another state appeared to make a similar

examination. When told of the thorough examination recently made by the officers of a different state, the society was informed that such an examination could not be accepted by the department of this state. A second examination was made, for which the society paid \$1,615.50. Irrespective of the merits of these two examinations, it is evident that in such "damnable iteration" lies a real evil which the law should remedy. A single thorough examination by competent men ought to be sufficient to satisfy every insurance department. The law allows a larger fee for the examination of societies which have a reserve fund,—the Uniform Bill providing that any "fraternal beneficiary association may create, maintain, disburse and apply a reserve or emergency fund in accordance with its constitution or by-laws." The proposed law calls for an annual report to the Commissioner of Insurance, embracing twenty-five items. Such report shall be in lieu of all other reports required by any other law, thus doing away with the objectionable multiplicity of reports. The twenty-five items in the report, taken collectively, are sufficiently comprehensive in their scope to give the officers of the state an intelligent view of the condition of the organization submitting the same. However, the Commissioner of Insurance is authorized to address any additional inquiries to any such organization in relation to its doings or condition, or any other matter connected with its transactions. The incorporation of new societies is provided for; and the employment of paid agents, except in the organization or building up of subordinate bodies, is prohibited. The present laws of several states contain an absurd provision making the employment of a paid agent a chief test of the fraternal character of the organization. It is needless to add that the employment of *any* agent, paid or unpaid, to solicit insurance for an organization which does not provide insurance which is absolutely sound should be forbidden. That provision of the proposed law which makes a contract invalid if the beneficiary agrees

to pay the dues of the member is of doubtful utility, because numerous instances may arise in which such a course of procedure would be beneficial to both parties. The usual penalties are imposed for violations of the law; methods of judicial procedure are described; and all previous laws inconsistent with the act repealed.

The history of the development of fraternal beneficiary societies in the United States is analogous to that of the Friendly Societies of England.¹ There, as here, existed the early abuses—mismanagement, insolvency, dissolution; there, as here, payments were small and out of all proportion to the benefits guaranteed; there, as here, younger members sooner or later refused to join. The custom of levying assessments when the occasion arose—sickness, death—was generally followed. An increase in the number of deaths or in sickness increased the number or size of payments, or both, and societies were disbanded. Out of 38,315 friendly societies founded between 1793 and 1867, 13,935 collapsed, leaving (1867) 4,015 persons, former members of disbanded societies, in public work-houses. Gradually improved systems of accounting were introduced, and attempts made, by means of periodical valuations, to establish the risks as they actually existed, on the one hand, and as they were assumed to be in the contract, on the other. The levy system, once generally prevailing, stands in strong contrast to the premium system which English friendly societies have either adopted or are striving to adopt. The question of premiums had become sufficiently prominent by 1819 to lead to the enactment of a law requiring justices not to confirm any tables unless approved by two actuaries or “persons skilled in calculation.” While in practice schoolmasters and small accountants frequently performed the actuarial duties prescribed by the law, this was, nevertheless, a move in the right direction. In 1846, with the creation of a Registrar of Friendly Societies, the old local registration and control by

¹ Consult *Baernreither*, “English Associations of Working Men.”

justices was swept away. Four years later all registered societies were required to make annual returns under penalty of being disqualified to sue. Annual reports of the registrar began to be published in 1857, one year after the first American report had been issued by the Massachusetts Commissioner of Insurance. Since 1875, English friendly societies have stood on a firm legal foundation. The Friendly Societies' Act of 1875 provides for full publicity. In forms prescribed by law, annual and quinquennial returns are called for; and quinquennial valuations, by which the financial operations of the societies are subjected to a rigid actuarial test, are made obligatory. Every year the registrar suspends societies because they have failed to send in their valuations as required by law. Both English law and practice have long exerted a firm and continuous pressure to establish the protective features of friendly societies on the basis of insurance principles.

In distant New Zealand similar features of friendly society development may be observed, as an examination of the reports of the registrar will readily reveal. Beginning with the happy-go-lucky levy system, New Zealand societies have gradually taken ground which all financially sound organizations must occupy. Their course of progress is outlined in the following extract:¹ "To sum up the leading features in fifty years of reform is all that space will allow of. Its characters are written in the history of the gradual introduction and growth of financial principles and better government. In the financial department valuation must stand first because of the lessons it has taught and because of other improvements it showed the need for and directed the way to, such as graduation and the formation of funeral funds on equitable principles; while underlying all progress must, of course, be placed the maxim that the benefits promised by the society should not exceed those which the contributions paid for them can legitimately and with

¹ J. Frome-Wilkinson, "Fifty Years of Friendly Society Progress."

safety carry. In the history also of graduation we have the slaying of the most terrible enemy to a sound financial condition that has ever warred against the efficiency of the friendly society system—the charge of a uniform contribution to members at all ages of entry. To be rid of such a fell disease is like the ejection of an undermining and life-destroying consumption preying upon the vitals till the outwardly fair (to the eyes of the casual observer) fabric falls in hopeless ruins. Significant, too, in its warning is the absolute failure of heavy extra fees for members joining at higher ages to check this evil. The fate that has overtaken the application of the supposed remedy should admonish members that no quack pseudo scientific methods of treatment will do aught but increase rather than alleviate the condition of the patient. . . . Friendly society institutions are rapidly arriving at a crisis in their history when progress will be sadly checked or still firmer ground attained. Societies are beginning to understand that almost continuous sick pay to old and past-work members means a drain on the funds such as has never been paid for. Their case is like that of a city whose water supply is proving to be insufficient for increased and increasing demands for which provision had never been made. There is only one remedy in either case, the increase of supplies. The funds of no society will stand continuous sick pay. The first society that popularizes a sound scheme of superannuation and educates its younger present members and all future initiants to take shares in it, will be the premier friendly society of the future, will never capitulate to the attacks of want and pauperism, but will provide a shelter to the end against the ills industrial life is heir to.”

The National Fraternal Congress has repeatedly been mentioned in this discussion. Without fear of successful contradiction, one may say unhesitatingly that no other factor in the fraternal world to-day approaches in its importance the National Congress. A careful study of the

proceedings of this body will convince the student that from first to last it has stood for enlightened and progressive measures which have long begun to bear fruit in the reforms which have resulted from them.

The idea of such a congress originated in the State of New York, where the local societies had organized a state federation for the promotion of their own interests. In response to a call issued by the Ancient Order of United Workmen, the father of modern fraternalism in the United States, a convention of representatives of fraternal societies was held in Washington, D. C., in November, 1886. This organization session included delegates from seventeen orders with an aggregate membership of 535,000, carrying insurance to the amount of 1,200 millions. The latest Congress, which met in Boston in August, 1900, embraced forty-seven orders with an aggregate membership of 2,668,649, carrying insurance to the amount of 4,021 millions of dollars and having paid over thirty-eight millions in benefits during the year. These statements reflect the magnitude of the interests centred in the National Fraternal Congress. The objects of the Congress, as defined in its constitution, are "declared to be the uniting permanently of all legitimate fraternal benefit societies for the purposes of mutual information, benefit and protection." Representation in the congress is graded according to the membership of the respective societies. Eligibility for membership on the part of a society is contingent upon meeting the requirements of the definition of a fraternal society, contained in the Uniform Bill discussed above, which, in turn, is but a modified statement of the "distinctive features" of a fraternal benefit society as enumerated in a clause of the constitution of the Congress from the time of its organization. Membership in the Congress further involves the payment of an annual fee, varying from thirty-five to one hundred and fifty dollars. The constitution institutes the usual set of officers with customary duties, and establishes seven standing committees dealing with the

constitution and laws, statutory legislation, credentials and finance, statistics and good of the orders, fraternal press, jurisprudence and medical examinations, respectively. The powers and duties of these committees are also defined. Finally, the constitution repudiates "the speculative societies, whose chief aim is to pay sums of money to members during life, without regard to distress or physical disability;" and declares that "the aims of such societies are entirely opposed to the principles upon which the Fraternal Beneficiary Societies are founded, and by virtue of which they exist." The Congress meets partly in sections, the two chief sections being the medical and that on the fraternal press. The latter, by unifying and uniting the interests of the various fraternal publications, is capable of diffusing the knowledge which is essential for the permanent establishment of a sound understanding and the full recognition of true conditions. The former has been aiming at the improvement of medical selection. The personal element being so important in the fraternal system, greater care and efficiency in the selection of risks reacts favorably upon the personal habits of members. A thorough medical examination as a necessary preliminary for participation in a system of benefits is a valuable lesson in right living. A bureau of information has also been proposed and discussed; and if such a bureau is to be permanently established, it would seem best to make the secretary of the Congress chief of the bureau. Such an arrangement would avoid duplication of reports, etc., and at the same time centralize administrative work sufficiently to enable officers to remain in active touch with every branch of the system. The helpfulness of such a bureau can scarcely be overestimated, for, as a whole, the system is suffering from want of sufficient and accurate information. Not until the accumulated experience of fraternal societies has been scientifically formulated and applied to their financial operations can fraternal insurance be said to have reached the dignity of an economic institution. One

society has adopted the combined experience of four other orders until its own experience may have become sufficiently comprehensive. This is correct in principle, and will tend to banish the grotesque systems of guess-work which at present are altogether too common.

In October, 1898, an *American Fraternal Congress* was organized at Omaha. This congress represented eighteen orders, all of which stood upon the common requirement of a reserve fund. No society without a reserve fund was made eligible. The mere fact of the organization of such a congress shows the division which exists among fraternalists on this question. In view of the steady progress which the National Congress has made toward sound financial operations, the union of all societies into a single congress is to be hoped for; and the adoption of measures which will compel every society to take its place, in full view of the public, either with the unsound societies or with that group which the resolutions of the congress declare sound will probably do more to relieve good societies from the disrepute which reckless orders have brought upon them than any other single step which could be taken. This assumes, of course, that the congress will approve only those plans which can stand the test of actuarial science. Adequate statutory regulations could then easily be made to follow; although more rapid progress could be made were uniform compulsory laws to be enacted in every state of the Union.

B. H. MEYER.

University of Wisconsin.

EDITORIAL.

It was five years ago that Professor James retired from the position of editor-in-chief of the *ANNALS* and thus relinquished his direct supervision of one of the activities of the Academy. At that time it was my agreeable duty to tell the readers of the *ANNALS* how much our organization had been indebted to the wisdom and foresight of our honored founder. We indulged the hope that the work which he had founded, and which for years he had fostered with devoted care and admirable skill would not suffer by passing in part, at least, into other hands. If the kindly words of the present editor-in-chief in the last issue of the *ANNALS* were as accurate as they were gracious, we may believe that this hope was not wholly vain.

At the last meeting of the board of directors of the Academy, Professor James requested that his name be not presented for the office of president.¹ A generous feeling that he should not continue to enjoy that honor when circumstances prevent him from participating in the work of the Academy prompted him to this step. In deference to Professor James' wishes the directors unanimously elected Professor Lindsay, who has for some time been the guiding spirit of the Academy, to the office of president.

¹ This letter, though addressed to the board, belongs, we feel, to the Academy at large and is here reproduced.

CHICAGO, January 3, 1901.

To the Board of Directors of the American Academy of Political and Social Science:

As the time is approaching for the annual business meeting of the Academy and the election of officers for the ensuing year, I beg permission to make the following suggestions.

For eleven years I have performed the duties of President of the Academy. During the first seven years of that period, though the duties were extremely onerous, I performed them with great pleasure, and should have continued the work longer if my circumstances had permitted.

My removal to Chicago in 1896 prevented my giving as much time and attention to the affairs of the Academy as had been my custom up to the date mentioned, but my interest in its work and welfare has continued as keen from that date to this, and is not likely to suffer any diminution in the future.

I feel, however, that it lies in the interest of the Academy to have as its President a person who is able to give more time to the actual supervision and direction of its work than I shall be able to do from all that I can see, for some time to come. I would suggest, therefore, that you do not consider my name in connection with another term of office as President.

I need not say that my services are always at the disposal of the Academy for any purpose in which they can be of any use whatever. With an earnest desire for the ever-increasing prosperity of the Academy, and its work, I am,

Faithfully yours, (Signed) EDMUND J. JAMES.

So important an event as the formal relinquishment of the official honors which Professor James has so long held, should not pass without a tribute to the important services which he has rendered to the Academy. The editor of the ANNALS has courteously invited the writer to be the spokesman of the appreciation and esteem of the directors, and such an invitation could not be withstood. Associated in the work of the Academy with Professor James from its inception, no task could make me break the silence which my retirement should impose more promptly than the privilege of publicly expressing what the Academy owes to its honored founder.

In the course of time the group of men upon whom the first labors of the Academy fell some twelve years ago, Drs. James, Giddings, Devine, Robinson and the writer, has been dispersed, and others have taken their places. That the work continues so full of vitality and promise, is a lasting tribute to the wisdom of its founder and to the unremitting thought and guidance which he, longer than all the rest, has given to its activities. Wise in counsel, fertile in expedients, he carried the Academy through the trying days of its early life, and at the cost of personal inconvenience continued some time after his removal to Chicago, to direct its work. It has been peculiarly his own creation, and only those who in recent years have assumed the active conduct of its work, know how completely the spirit which rules in all its branches is that of Dr. James. That without his presence they have been able to carry on the life of the organization so successfully, is ample evidence of the skill with which Dr. James planned and builded.

When twelve years ago Dr. James broached his plans for an American academy of the political and social sciences there were few among his associates who shared his prophetic vision of what it might become. But we trusted our leader and were willing to work with him. So well had the plans been matured that the first six months of the work carried conviction that the project would be a success. Doubts were silenced, for the unrivaled energy of Dr. James brought immediate fruits.

Among the many lines of activities which were planned by Dr. James the most distinct results have been achieved in the meetings and publications of the Academy. The holding of scientific meetings began on March 21, 1890, and the last held was the Seventieth Session, on February 19, 1901. Much of the early success of these meetings was due to the dignity and address with which Professor James presided over them. With a word or suggestion he turned the discussion from barren to fruitful channels, while as directing spirit in the work of the Academy he secured for the meetings papers of more than ordinary

value. With the growth of the Academy in numbers and strength the program of the meetings was enlarged to include social features, which added to the attractiveness of the gatherings. Later the feature of annual meetings was added to the work of the Academy. These have been especially successful, and their fruits have been embodied in permanent form in volumes issued by the Academy. True to the principles laid down by Professor James, these results have been secured without unduly burdening the financial resources of the Academy, the cost of annual meetings being indeed defrayed by special funds.

With no less energy did Professor James devote himself to the publications of the Academy. After a brief experience as a quarterly, the *ANNALS* were soon issued six times in the year. It was his conception that the publications of the Academy should afford a place for all scientific discussion, whether it took the form of note, paper, or monograph. He gave, therefore, a peculiar care to the supplements and urged this feature of the Academy's work on all occasions. To his energy we owe the splendid series of supplements which form so conspicuous an ornament of the publications of the Academy. In the work of publication he enlisted the aid and assistance of scholars at home and abroad. Among the many who have contributed scholarly articles to the pages of the *ANNALS* it may seem invidious to make a personal mention, yet I cannot but feel that it is due to Professor James that the volumes of the *ANNALS* are so rich in the productions of such men as Professors Patten and Giddings. Nor does it seem amiss to call attention to the fact that Professor James was singularly stimulating and encouraging to younger men, who have since gained honorable places in the scientific world. Members of the Academy will recall with pleasure the fact that the *ANNALS* contained some of the earliest writings of such men as Drs. J. H. Robinson, E. T. Devine, L. S. Rowe, S. M. Lindsay and Emory R. Johnson, to mention only a few.

If some of the activities planned by Dr. James for the Academy, such as the building up of a library of political and social science, and the encouragement of special research, remain yet in abeyance, it is not because the thought was less valuable, but because the funds have hitherto been lacking. Yet, as Dr. James has already seen the fulfillment of a part of his projects, we earnestly hope that in the long life which we trust is yet before him, these cherished plans may also pass into realization. When this occurs the Academy will be ready to pass beyond the generous ideas of its founder into further fields of usefulness. But much remains yet to be done ere we can hope to surpass his bold conceptions. Nor do we doubt in the least that when this time comes he will be ready with new plans and be the guiding spirit in our future progress.

We should feel the loss most keenly had we any thought that in retiring from the presidency Dr. James was in any less degree with us in our work than before. We are confident that we can always count upon his sympathy and support. We render grateful thanks for all that he has done for the Academy in the past, and cherish the hope that what may be done by and for the Academy in the future may meet his approbation and embody his own wishes for our welfare.

ROLAND P. FALKNER.

COMMUNICATIONS.

GREATER CHICAGO.

The governmental situation in Chicago and the environing Cook County is so complex, and the hands of the legislature are so completely tied by the state constitution, adopted in 1870, that present conditions seem at once intolerable and incapable of amendment. To get any adequate idea of things as they are to-day, one must recall the fact that Illinois was almost a frontier state when the present constitution (the first important permanent result of the Granger movement) came into force. The sole object of the framers of that instrument seems to have been to tie the hands of everybody; and this aim appears to have been successfully carried out.

The constitution prohibits special legislation in regard to cities, towns, villages and townships. It contains specific provisions touching county areas, organization and boundaries which make it extremely difficult, if not impossible, to change the county limits in the vicinity of Chicago. Finally, by prohibiting amendments to more than one article at a time, and requiring that a majority of all the votes cast at the election, and not merely all those cast on the amendment, shall be necessary to its adoption, it virtually prevents the adoption of any amendment which is not of the widest territorial interest. Moreover, all amendments to the constitution and the order for calling a constitutional convention to draft a new constitution must first pass the legislature by a two-thirds vote in each house before being submitted to popular vote. The members of the legislature coming in large majority from the country districts, cannot be expected to take any interest in remedying metropolitan evils of whose very existence they are unconscious, and from which, too, their respective constituents are not suffering.

The difficulties in the way of getting any constitutional relief for the local ills of Chicago and Cook County have so far proved insuperable. An attempt to call a constitutional convention a few years ago was met by the almost united vested interests of Chicago with the statement that, though admitting the need of amendments, such interests would rather bear the present evils than trust themselves to the untested radical sentiment which might gain control of a constitutional convention.

That no satisfactory reorganization of the governments in Cook County can take place without a constitutional amendment is gener-

ally recognized by those familiar with the situation, and is also demonstrated by the failure of attempts at reform through mere changes of statutes during the last decade. Many acts tinkering the system have been passed for the special relief of Chicago, usually under the guise of classification—a device to which no reference is made in the text of the constitution. Many of these acts have been declared wholly or partly unconstitutional. Many others have not yet been passed upon by the courts. Often these acts appear so mutually contradictory as to cause hesitancy and confusion in the attempt to administer them. In so complex a statutory condition as prevails there can be no general assumption that an act will stand until it has actually been passed upon by the courts.

One can scarcely make any significant statement about the legislation or administration existing here which is not subject to doubt or important exception. I shall not attempt, therefore, in this brief notice, to do more than point out a few of the complexities and difficulties, treating them on the broadest possible lines. When the present constitution was adopted, township organization was retained within the limits of Chicago. At that time the city was a mere overgrown village, with a population of about 300,000. It has now, through annexations of territory and the growth of population, become a great metropolis—one of the greatest railroad centres in the world, as well as one of the largest centres for shipment by water. The population (now from five to six times that of 1870) is probably the most mixed of all the great cities of ancient or modern times, and the city offers governmental problems commensurate with its population, wealth and rapid growth. The legal machinery for governing this great conglomeration is not essentially different from that for the Chicago of thirty years ago, for not only did the constitution retain township organization, and the county government (with a county board it is true, somewhat different from those in the other counties of the state), but, also, the three previously established park systems, each under a separate board of commissioners, getting their appointment from different sources, but in no case appointed by or in any way connected with any part of the city government. With the growth of Chicago territory and population the jurisdiction of the park boards has not been correspondingly extended. Consequently, while the city has three independent park boards, each with its own taxing power and a maximum legal tax rate, large parts of the territory of Chicago do not lie in any park district and are entirely free from taxation for park and boulevard purposes.

To add to the already dense confusion, a few years ago, when the question of an improved sewage system had to be met, an entirely

new corporation, the sanitary (or drainage) district, was created and given a territorial jurisdiction with no relation whatever to any previously existing areas. This district, so far as taxation is concerned, lies wholly within Cook County, but does not include all of the territory within the limits of the City of Chicago on any one of its land-bounded sides, though it does include parts of several townships lying wholly or partly outside of the city. The revenue act of 1898 made the local tax assessors, in a sense, subordinate to the new county taxing authorities created by that act, but did not abolish the local assessors throughout the county. It still remains true that property in Chicago may be subject to separate rates of taxation determined by independent or semi-independent bodies each answerable to the statutes alone and acting independently of all others. These authorities are: The state, the county, the city, the school board, the public library board, the park boards (three in number), the townships (seven lying wholly and three more partly within the city's limits), and the drainage board, which has in the last decade spent more than \$30,000,000. These various taxing bodies, nearly a score in number, expending a total of more than \$30,000,000 a year, are equally independent or semi-independent in their expenditure and general administrative work. They peculate, they waste, they quarrel, they fight, and they constantly appeal to the legislature and the courts. It must be apparent to any disinterested observer that no body of men, however wise or good, could administer such a chaos with honesty and efficiency. The very lack of system invites inefficiency and corruption. It is not strange, therefore, that public administration in Chicago is not up even to the grade of that of other large American cities.

Apart from the ten townships wholly or partly within the limits of Chicago, there are twenty-three other townships outside of Chicago in Cook County. Two of these, Cicero, lying immediately west of Chicago, and Wheeling, have special charters granted before 1870. These resemble rather closely the present form of village corporation, although the towns of Cicero and Wheeling have much rural territory and several considerable aggregations of population (one of which, Oak Park, is perhaps the second most important immediate suburb of Chicago). The most important territory outside of Chicago is the incorporated City of Evanston (population 20,000) immediately adjoining Chicago on the north. The City of Evanston lies in the two townships of Evanston and New Trier, and Niles, while part of the township of Evanston is within the limits of Chicago. The township of Thornton contains the City of Harvey, together with all of four and part of another incorporated village. There are altogether

more than fifty incorporated villages in Cook County, many of which extend into two or more townships, and several go beyond the boundaries of Cook County.

What Chicago wants and what she would have if her own interests alone were consulted, is a constitutional amendment permitting her to annex the more densely populated suburbs and some of the less densely populated, needed for park purposes and the preservation of streams, and then to consolidate all the functions of government, such as those of townships, county, park and so on, with the possible exception of those of the drainage district, in the hands of a single government, that of the city. This would probably take into the consolidated city and county of Chicago, all of Evanston on the north (on the ground that it is essentially metropolitan in character and must come into the drainage district soon, to prevent the pollution of the water supply), all of Cicero, a part or all of Proviso and the tier of townships, Leyden, Riverside and Norwood Park, lying due north of Cicero and Proviso. This whole group of townships is desired because part of it is metropolitan in character and all of it lies along the Des Plaines River, the water of which it is proposed to use in connection with the drainage canal. It is also a part of the scheme to lay out a great metropolitan park system along this water course. It is probable that this territory on both the north and west will be forced into the drainage district in the near future, and Chicago regards this district as in a peculiar sense her own. But the City of Evanston and the country townships, with the possible exception of Cicero, are strenuously opposed to annexation to Chicago.

The Civic Federation, which is leading the movement for reform in Chicago, regards the abolition of county and township government within Chicago, whatever the limits of the city may be, as a prerequisite to serious and thorough-going reform. But as already indicated, this requires changes in the constitution. So long as the country districts in Cook County are so vigorously opposed to annexation and the sentiment against Chicago in the remaining portions of the state remain unchanged, such constitutional amendment is impossible. For at present the country townships fear that however carefully such amendment might, on the face of it, protect their interests, nevertheless to yield anything might open the way in some manner not foreseen for annexation to Chicago, or at least create sentiment that would make it easier to open the way for such action in the future. Although the present statutes affecting the question of annexation are very much involved, it is supposed that under them no annexations can be made without the consent of a majority of all the legal voters in each of the territories affected by the proposed annexation.

Generally speaking, the townships outside of Chicago as far as their respective local affairs are concerned, are satisfied with the present condition and believe that they can prevent legislation changing that condition. They have so far refused to recognize any obligation to obtain or permit relief for Chicago, and may properly be said to be playing dog in the manger. These townships carried this policy so far as to form last July a permanent federation of all the country districts in Cook County (known as the County Town Federation of Cook County) to defend their interests against the supposed aggressions of Chicago. This federation holds regular monthly meetings, and, so far, the delegates to it have shown no inclination to acknowledge any obligations arising from their citizenship in Cook County or in Illinois, to bring about a better condition of affairs in Chicago.

The result of this opposition by the country townships has been to change the tone and attitude of the Civic Federation on the whole question. The Greater Chicago scheme, as launched about two years ago, apparently involved simply the annexing of such territory as the interests of Chicago seemed to require. When the storm of opposition against this began to gather the Civic Federation put forth a modified scheme involving annexations, under a borough scheme of government, by means of which it was claimed that local autonomy in local affairs, so much prized by the country districts, could be preserved to them, while the things of general and larger interest could be attended to by the proposed Greater Chicago. This seemed to meet with favor for a time, but the fear of once opening the gates to annexation under any form again arose in the minds of those living outside Chicago, and, consequently, there has been a decided reaction against this proposition also. As a consequence of this turn of affairs the Civic Federation has apparently given up the idea of trying to put through the Greater Chicago scheme, with the borough attachment, without the consent of the country districts, and is now urging co-operation on the basis of the larger citizenship, duty, and civic interest plea, hoping all the time to make the country districts see their duty from the standpoint of the larger interests of Chicago. The Civic Federation still insists that measures can be so drawn as to protect in a satisfactory manner the interests of the minority, while giving much needed relief to the majority in Chicago.¹

Meantime that organization is pushing such minor reforms as can be

¹ CONSTITUTIONAL AMENDMENT PROPOSED BY THE CITIZENS' CONSOLIDATION COMMITTEE OF THE CIVIC FEDERATION OF CHICAGO.

RESOLVED, by the House of Representatives of the State of Illinois, the Senate concurring herein, that there shall be submitted to the voters of this State at the next election for members of the General Assembly a proposition to so amend the

obtained by the tinkering process without arousing the opposition of the outside districts. At the last session of the legislature, for instance, since it is constitutionally impossible to abolish the townships in Chicago and retain township organization in the rest of the county, the Civic Federation obtained the passage of a bill in the *form* of a general act providing for the consolidation of all the townships and fractional townships in Chicago into a single township. The title¹

seventh section of the tenth Article of the Constitution of this State, that the same shall read as follows :

The General Assembly may provide for the consolidation of city and county functions within the present limits of the City of Chicago, but no act for such purpose shall take effect until submitted to the vote of the electors of said county at a separate election to be held therefor, and ratified by a majority of the legal voters of said city voting thereon, and also by a like majority of the legal voters of that portion of said county outside of said city. In case of such consolidation of city and county functions within the limits of the City of Chicago the debt of said Cook County existing at the time of such consolidation shall be paid by the said City of Chicago, and the territory remaining outside of said city limits shall be exempt from all liability therefor, and all buildings and property of said former County of Cook shall belong to and be the property of said City of Chicago; and the territory included in the then or future limits of said city shall be known for all county purposes as the County of Chicago.

The General Assembly may provide for subordinate local government by districts within the present or future limits of said city; also for local control of schools, police, fire protection, libraries, public lighting, improvement of streets, sidewalks, parks, sewers and water works, in any territory hereafter added to said city.

The authorities of said city shall have no power to license the sale of intoxicating liquors in any district wherein such sales are prohibited at the time of the adoption of this amendment.

Upon the adoption of any act for consolidation of city and county functions in the limits of said city, all the provisions of this constitution relating to Cook County shall be deemed to apply to said County of Chicago. Upon the adoption of such act as to the territory of said County of Cook remaining outside of said city limits, the General Assembly shall provide for the establishment of courts and county government in such territory as in case of new counties, but not more than two counties shall be formed from such territory. Until otherwise provided the affairs of said County of Cook shall be managed as now provided by law; but the functions heretofore exercised by township officers in said city shall be performed by the City Council.

The General Assembly may provide for abolishing the office of justice of the peace within the County of Cook or said County of Chicago when established, and for the substitution of local or district courts in lieu thereof, with such jurisdiction not exceeding that of the circuit court, as may be deemed advisable; and may provide for the election or appointment of constables therein. (Printed January 29, 1901.)

¹ The full title is as follows: "An Act to provide for consolidation of the territory of cities in counties under township organization having five or more congressional townships and fractional parts of congressional townships into one township, and to provide for a board of auditors of said township and locate the place where the justices of the peace shall have their offices."

of this act, approved April 24, 1899, shows to what lengths we have to go in our efforts to avoid the prohibition of special legislation under our present constitution. The validity of this particular classification may well be doubted until it is accepted by the supreme court. That the Civic Federation itself doubts the validity of this Act is shown by the fact that it has just had introduced (February, 1901) a bill to accomplish the same purpose by retaining all the townships, but transferring most of the powers of the townships to the City Council. While the consolidation of the townships in Chicago under this act would apparently include in the consolidation the portions of the three townships (Evanston, Norwood Park and Calumet) lying within the City of Chicago, it is not probable that serious opposition would be made by the remaining portions of these townships. Bills are also drafting to consolidate all the territory of Chicago into a single park district under one park board. Unless an attempt should be made to include in such districts territory outside Chicago (such as the Des Plaines river territory referred to above), this is not likely to arouse any special interest outside of Chicago. But already the cry of local self-government has gone up from the people living in the vicinity of each of the great Chicago parks, and even this bill is likely on that account to have hard sledding before the winter is over. It is not at all impossible that under the same slogan the country townships may make an effort to have the revenue act of 1898 repealed, as that act makes their assessors subject to the county board of assessors.

The only real club that Chicago can at present use against the country districts is a threat of abolishing all township government throughout the whole county and placing the affairs now managed by the respective townships in the hands of the county board. This can be done by a majority vote of all the voters in the county regarded as a unit. Chicago can, therefore, accomplish this at her will, as the percentage of the total vote in the county to be found outside the limits of Chicago is relatively insignificant. Such action would practically, from the standpoint of the country townships, amount to annexation to Chicago, for it would deprive these townships of all of their local self-government and place their affairs in the hands of a board of county commissioners, who, under the present constitution and laws, are elected two-thirds from and by the City of Chicago, whose offices are in Chicago, and who are, in fact, entirely dominated by Chicago politicians. Two obstacles prevent the carrying out of such a policy. First, it would not give Chicago any relief, but make her condition worse by strengthening the hands of the county government, which Chicago is especially desirous of getting rid of. In the next place, it would not transfer the local government powers of the

cities of Evanston and Harvey to the county board and would likely block the way for the annexation of Evanston to Chicago for years to come. The transferring of the governmental powers of the township of Evanston to the county board would be a matter of comparatively little moment except to a few present and possible future township officials, who live from the small township treasury. The City of Evanston is decidedly an element to be reckoned with in the whole matter.

One of the most regrettable features in the present situation is the lack of any apparent recognition on the part of the country districts of what seems to me the serious duty of making such reasonable sacrifice, short of self-annihilation, as promises to improve the government of Chicago. I venture to doubt also if the American sense of justice and fair play will forever permit the interests, real or supposed, of a hundred thousand people, more or less, in the country portions of Cook County to prevent nearly two millions in Chicago from obtaining a form of government in some slight measure adapted to their needs. Should the population of Chicago increase as rapidly in the near future as it has done in the past, and should future apportionments give to Chicago anything like her proportionate share of representation in the legislature; above all, should the conditions become so bad in Chicago as to make the large property interests there prefer, with any degree of unanimity, a reformed government to that now existing, the people of Chicago will be enabled to effect such a change in the sentiment throughout the state as to obtain what they want without even consulting the special interests of the outside districts of the present Cook County. Before this time comes it is to be hoped that a broader patriotism will lead the country districts to withdraw their opposition and unite in favoring a Greater Chicago which will embrace that territory properly belonging to the metropolis and leave undisturbed Evanston and other outlying centres of population with independent civic life.

JOHN H. GRAY.

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THE JUVENILE COURT OF CHICAGO AND ITS WORK.

Nothing is more indicative of the change which the modern scientific study of pauperism and crime is causing than the increased attention paid to children. It is now clearly seen that it is worse than folly to allow a child to grow up in ignorance of the *raison d'être* of social customs, and to attempt then to remedy matters by repressive and punitive measures. There is a clearer apprehension of the wonderful susceptibility of the child to impressions of all sorts and a

decided reaction from the extreme emphasis laid formerly upon heredity. It is seen, too, that the state has a vital interest in the welfare of its children, and it is now the recognized duty of the state to see that the children within its borders are properly cared for, both for the sake of the child and for the future of the state. The recognition of the bad results of evil association has led the foremost states to forbid the keeping of children in almshouses. The same influence has led to the gradual adoption of the policy of placing children in family homes, whenever possible, instead of shutting them up in institutions, for it is felt that lessons of home life and individual responsibility cannot well be taught to children *en masse*.

In dealing with children whose spirit of mischief, or lack of appreciation of law, has led them to commit some offence, there is a tendency to recognize other causes than natural depravity. It is felt that the introduction to a cell and a trial in an ordinary police court do not always fill the youngster with a sense of his misdeeds and inspire him with respect for law and order. Nor have the usual punishments—the small fine, paid by his parents; confinement for a few days or weeks in a city reformatory or for a longer time in a state institution—always been efficacious. It is further recognized that the commission of a serious offence by no means necessarily indicates a greater moral perversion of the individual than does the commission of some petty larceny.

In a word, it is seen that the proper treatment of the delinquent and the neglected child is no simple matter, but requires expert service and expert knowledge of the conditions affecting child life. It requires, further, some clear conception of the probable effect both on the child and on society, of the punishment inflicted or the course of reformation and training selected. To prevent rather than punish, to form rather than reform, is the motto of the new school. This demand has led to the introduction of a children's court presided over by a judge specially fitted for the task.

Illinois had been slow to appreciate the advances made by many of her sister states in the care of children. There had been some mutterings of discontent, some protest. Grand juries had called attention to existing evils in such words as these: "Indeed, in the county jail we found children of nine years of age who had been bound over to the grand jury by incompetent or corrupt justices of the peace in disregard of the fact that the laws of Illinois recognize no capacity for criminality in a child of that age." In 1898 the people of the state were roused to a sense of the situation.

From the hearty co-operation of bar associations, women's clubs, charity societies and interested individuals, resulted a bill which, after

losing many important features because of the opposition of certain institutions, was enacted and became effective July 1, 1899. It is a very comprehensive bit of legislation.

The spirit and aim of the law is well expressed by its last section : " This act shall be liberally construed to the end that its purpose may be carried out, to-wit, that the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases when it can properly be done, the child be placed in an approved family home and become a member of the family by adoption or otherwise."

The law requires the state reformatories to have agents to examine the homes into which paroled children may go, fixes rules for the incorporation of charitable associations, regulates the importation of dependents into the state by foreign associations, authorizes the surrender of children for adoption, permits the appointment of county boards of visitors to investigate institutions and societies receiving children under the act, and also establishes in Cook County, in which Chicago is situate, a children's court, to be known as the Juvenile Court, before which court are tried all cases of children, dependent, neglected or delinquent, under the age of sixteen. The judge of the court was chosen by the judges of the circuit court of Cook County from their own number.

Any person having reason to believe that a child is delinquent, or that it is dependent upon the public for support, or that it is neglected and not properly cared for by its parents or guardians, or that it is sent out to beg, or that its home is an unfit place for a child, may file a petition alleging these facts. After the petition is filed the parents or guardians must be notified within twenty-four hours and summoned to appear in court at a fixed time. The child may be left with the parents or taken from them, pending the hearing, as seems best. The children arrested by the police are first brought before the justices, that trivial cases may be dismissed and the others transferred to the juvenile court, in accordance with the law. At the trial there may be a jury of six (it is required for commitment to the industrial schools under older laws), at the option of the judge or the guardians of the child. If it is found that the child is dependent, it thenceforth becomes the ward of the court. The judge may give the child to some society, place it in an institution, or commit it to some individual. Such commitment conveys the right to place the child in a home and to consent to the adoption of the child, but does not convey the guardianship of property. If the child is proven to be delinquent, the judge may bind him over to the grand jury, if commitment to the state reformatory seems best (the law authorizes the juvenile court to make

such commitments, but the higher courts having ruled that this institution is a penal institution, an indictment is necessary), he may commit a boy to the city reformatory, or a girl to the state reform school at Geneva, may put the child in the care of some association to be boarded out, or may parole him to some responsible individual who will look after him and encourage him to do better without commitment to any institution. The commitment of any child under the age of twelve to jail is expressly forbidden.

To enable the court to maintain its hold upon the children who may be paroled, the law authorizes the appointment of judicious persons as probation officers who hold commissions from the court. It is the duty of these officers to make such investigations as the court may desire, to represent the interests of the child at court, to take such charge of the paroled children and make regular reports to the court as to the behavior of the children in their care. Judge Richard S. Tuthill, the judge of the court, has said that the probation system is the keystone of the court.

The general plan of the court was excellent but failure seemed likely at first as the law provided no means for its own enforcement. It forbade the keeping of the children under detention in any jail or police station. Chicago had no other place and no money. A prisoners' aid society offered its building and the offer was accepted for the care of the boys, the girls and some of the younger boys being cared for in the detention hospital by the county as heretofore. It provided for probation officers and gave them important duties but made no provision for the payment of their salaries or expenses. Through the efforts of a couple of societies, the Chicago Woman's Club and a few interested persons the services of three officers were given to the court. This number has been increased to twelve. The judge requested the mayor to have an officer in each police district detailed for work with the children's cases and this was at once done. Some individuals have been appointed in special cases. A chief probation officer was secured by having Mr. T. D. Hurley, of the Visitation and Aid Society, appointed assistant corporation counsel and stationed in the juvenile court. In this way it has been possible to carry the law into effect though not so completely as is desired.

The task of a probation officer is not small. The paroled boy or girl must be visited at home. The officer must see that the child goes to school or keeps regularly at work. He must labor with the parents to remove friction and help them to make the home attractive. The paroled boy is made to feel that the probation officer is a friend to whom he may appeal for assistance yet he realizes that this friend may, at times, speak with even greater authority than a teacher or

parent. The relation between the child and the probation officer often becomes very intimate. The influence upon the child varies, of course, but is often great. The child knows that an unfavorable report may result in his recall and possibly in his commitment to an institution. The knowledge of this constant oversight, and the further realization that it is harder to work upon the sympathy of the officer than upon that of the parents, tends to keep the boy in the right way.

Nor is the influence of the probation officer upon the home life and the rest of the family to be ignored. A tactful officer becomes a welcome guest in many a home, for the mother is mindful of the fact that in the officer she has an ally in preserving order. Lessons of neatness and cleanliness may be given and the tone of the family raised. Again the knowledge that severe measures may be taken, if necessary, spurs on negligent or unwilling parents to better things and reacts to the benefit of the child.

The court room itself is an interesting place. It is Monday morning and the cases of dependent children are being heard. The judge is in the chair. Behind him is a group of visitors. Below, on the left, is the jury, and beside them the probation officers and representatives of various societies. In the rear, quite out of hearing of the evidence, are the children whose cases are being tried and behind them the friends and witnesses. The clerk cries: "The case of Victoria Rattowski." The witnesses come forward and are sworn. The representative of a children's society outlines the case. Victoria had been picked up on the street. She had been begging and had a basket in her hand. Once before she had been found begging but had given a false name and address. This time the agent took her into custody and filed a petition in the court. Through an agent of the Bureau of Associated Charities the parents were found. The girl had told a pitiful story of an absent father and a mother unable to work, and of great poverty. On investigation the absent father proved to be in the employ of the city, earning some ten dollars per week and owning his home. The invalid mother proved to be a robust woman. There is little defense. It is clear that the parents have sent the child to beg though they deny it. The judge grows stern. It is an aggravated case. At first the judge thinks to send the child to an institution. Finally he calls the parents before him, tells them of the great offense they had committed and, on their promise that the girl will be sent to school and not to beg, he allows them to take her home. A probation officer is appointed to look after the case and the family is given a chance to redeem itself. Cases of all sorts follow. All are sad, some pathetic, some heartrending. The judge listens patiently to each and makes such order as seems best. Two

boys whose mother is unable to care for them for a time are sent to an industrial school conducted by the Catholics as the mother is a member of that church. A deserted child is given to a child saving society. A man asks for the custody of a child left at his home some years ago. This is granted subject to the approval of the Children's Home and Aid Society.

On Monday, Wednesday and Friday afternoons the delinquent cases are heard. The boy truant becomes the boy mischievous and innocent mischief is rare in a big city. Junk dealers encourage the boys to steal lead and brass. Evil companions get him into trouble. If possible the judge will put the boy on parole unless home conditions are too bad, and if the record of the boy is fairly good. How successful this work of probation may be it is hard to say. Massachusetts seems satisfied with her experiment and other states are following her lead. Much has been accomplished in Illinois though the probation officers are overworked. Imagine successful and satisfactory work with one hundred boys paroled to one officer in addition to his other duties! Out of 1,339 delinquent boys before the court during the year ending June 30, 1900, 1,095 were paroled, and of these only 203 were returned to the court. There were also released from the city reformatory on parole 256 boys of whom but 23 were remanded.

Appreciation of the value and importance of the court grows steadily. The judge had few precedents when he began and had to feel his way. To-day he is the enthusiastic advocate of the court. The other circuit judges who have acted as supply judges have become much interested in the court. Venerable Judge Tuley said: "The juvenile court is the greatest work of the kind ever undertaken in Illinois. More can be done in ten years in the juvenile court to suppress crime than can be accomplished in fifty years in the criminal court." The state's attorney has said that the expenses of the criminal court have materially decreased because of the operation of the law. Before the enactment of the law there were constantly from forty to fifty boys in jail awaiting hearing. During the last year only thirty-seven boys were held for the grand jury from the juvenile court.

Results may not be measured so soon. Gains however are evident. Because of the court much of the practice of the shyster police court lawyer is gone. It is now possible to get at the child beggar in an effective manner and begging is becoming more unpopular. Baby farms are coming under the purview of the court. Parents are learning that it is not safe to neglect their children. Many people are learning for the first time to respect law, particularly applied law. Whatever defects there are, and there are many, whatever additions

are needed, this much is true, that the child is being cared for in Cook County to-day as never before in its history and the outlook is encouraging for better things to come.

CARL KELSEY.

Chicago, Ill.

MEETING OF THE AMERICAN ECONOMIC ASSOCIATION.

The thirteenth annual meeting of the American Economic Association was held in conjunction with the annual meeting of the American Historical Association at Detroit and Ann Arbor, December 27, 28 and 29, 1900. The program presented a happy blending of topics of practical and of theoretical interest and brought together the representative gathering of economists from all parts of the country which has become usual at these meetings. The plan of varying the second day of the session by shifting the place of meeting from Detroit to the seat of Michigan's great university, met with general favor and, as it was carried out, added substantially to the pleasure of those in attendance.

The topic for the first morning session was "The Taxation of Quasi-Public Corporations." Papers were presented by Dr. Frederic C. Howe, of Cleveland, and Frederick N. Judson, Esq., of St. Louis, and the discussion was participated in by Professor E. R. A. Seligman, of Columbia University, James B. Dill, Esq., of New York City, Professor William Z. Ripley, of the Massachusetts Institute of Technology, and others. In his paper Dr. Howe emphasized the difficulties which decisions of the Supreme Court under the commerce clause of the Federal Constitution oppose to the equitable taxation of transportation companies by the states. He advocated franchise taxation, secured by ascertaining the value of the bonds and stock of taxable corporations and using this as an index of their taxable value as the best means which the courts have left open to state legislatures for imposing their just burdens upon such businesses. Mr. Judson, in his paper, called attention to the prevalence of double taxation and suggested means by which it might be avoided.

The first joint evening session was devoted to an address of welcome by the Hon. William C. Maybury, Mayor of Detroit, and to addresses by Professor Richard T. Ely, President of the Economic Association, and Mr. John Ford Rhodes, who took the place of Dr. Edward Eggleston, President of the Historical Association. Dr. Ely's address was on "Competition: Its Nature, Its Permanency and Its Beneficence." He emphasized the benefits of competition and the necessity of its being regulated in some forms of industry. His chief conclusion was that where combination and monopoly restrict socially desirable competition, state control should intervene to insure its continuance.

The second joint morning session was devoted to the "History and Problems of Colonization." Professor Paul S. Reinsch, of the University of Wisconsin, presented a paper on "French Experiments with Political Assimilation in the West Indies." His conclusion was that these experiments had signally failed and that there was much dissatisfaction in France over the present situation. The next paper was by Professor Morse Stephens, of Cornell University, and dealt with "The Turning Points in the History of British Administration." The paper is to be reprinted in expanded form as the introduction to that writer's forthcoming volume of Lowell lectures on "The History of British Administration in India." Professor John H. Finley, of Princeton University, then read a paper on "Our Puerto Rican Policy." He described the island, its people and its political institutions as they had appeared to him during a recent visit, and concluded that a territorial form of government would secure all of the advantages of the present system of dependent administration and at the same time would prove politically simpler and more acceptable to the Puerto Ricans. The discussion which followed was participated in by Professor Henry E. Bourne, of Western Reserve University, and Professor Charles H. Hull, of Cornell University. Dr. J. H. Hollander, treasurer of Puerto Rico, who had been announced to read a paper on "The Finances of Puerto Rico," was unable to be present.

The first afternoon session was given up to a discussion of "Commercial Education." Professor E. J. James, of the University of Chicago, President of the Academy, read a paper on "The Relation of the Universities to Higher Education." His principal conclusions were that the time was ripe for the introduction of commercial courses into the curricula of American colleges and universities; that while such courses should make the study of economics, political science and history the basis of instruction, they ought also to include technical studies in the same way as do engineering courses, and that a well co-ordinated commercial course was as well suited to collegiate instruction leading to the bachelor's degree as the more familiar classical or scientific course. Professor James' paper was discussed by Professor F. H. Dixon, of Dartmouth College, Professor W. A. Scott, of the University of Wisconsin, Mr. C. N. Baker, editor of the *Engineering News*, Professor D. R. Dewey, of the Massachusetts Institute of Technology, and Professor Loos, of the University of Iowa. The balance of opinion seemed favorable to the plan of an undergraduate commercial course as a regular part of the curriculum of every well-organized college, though the first speaker expressed a preference for graduate schools of commerce comparable with the more advanced law and medical schools of the country. The second paper of the

afternoon was presented by Professor L. M. Keasbey, of Bryn Mawr College, and treated of "The Study of Economic Geography." The central thought of this paper was that this study must form the basis of fruitful work in the field of economics and that its neglect accounts in large measure for the backward condition of the latter science. Professor Charles W. Haskins, of New York University, read a paper on "The Science of Accounts in Collegiate Commercial Education," which emphasized the importance of accountancy in the curriculum under discussion, and suggested the line which instruction on this subject should follow to afford the most valuable results.

The first paper on the program for the the third morning session, by Professor T. B. Veblen, on "Industrial and Pecuniary Employments," had to be omitted on account of the author's unavoidable absence from the meeting. The second paper was presented by Professor F. A. Fetter, of Leland Stanford Jr. University, and discussed "The Next Decade in Economic Theory." The author's conclusions were based on a review of recent progress in economic speculation, and were, (1) the labor theory of value must be abandoned as untenable; (2) the doctrines of rent and interest must be recast and the conceptions employed to distinguish different modes of calculating the return to material goods rather than returns to different agents in production; (3) the concept of capital must be given a place in economic theory proportionate to its place in modern business and redefined in harmony with present-day conditions. Professor Fetter's paper was discussed by Professor F. M. Taylor, of the University of Michigan, Professor Seligman, Professor E. A. Ross, of the University of Nebraska, and Professor C. A. Tuttle. The last feature of the program was the presentation of the report of the Committee on Uniform Municipal Reports, consisting of M. N. Baker, Esq., Professor H. B. Gardner, of Brown University, Professor Charles J. Bullock, of Williams College, Professor Edward W. Bemis, of the Bureau of Economic Research, Dr. E. Dana Durand, Secretary of the Industrial Commission, and Mr. F. R. Clow, of the Oshkosh Normal School. This report, together with some pertinent articles by Mr. Baker, the chairman of the committee, has already been printed by the association and may be had from the secretary, Professor Charles H. Hull, of Cornell University.

The officers of the association for the coming year are: President, Professor R. T. Ely; vice-presidents, Theodore Marburg, Esq., and Professors F. M. Taylor and J. C. Schwab; and secretary and treasurer, Professor Charles H. Hull.

Before adjournment it was decided to hold the next annual meeting at Washington, D. C.

H. R. S.

PROCEEDINGS OF THE ACADEMY AND BUSINESS ANNOUNCEMENTS.

*Report of the Sixty-ninth Scientific Session, Held in Philadelphia,
January 15, 1901.*

This meeting was called to order by the First Vice-President in the New Century Drawing Room, at 8.10 p. m. The subject was "Recent Tendencies in Free Political Institutions." The address of the evening was given by Dr. J. L. M. Curry, ex-Minister to Spain and General Secretary of the Peabody and Slater Educational Funds, and was listened to with rapt attention.

Dr. Curry, first of all, called attention to common misunderstandings about the meaning of democracy, pointing out that it does not mean that the people in the aggregate rule, nor even that a majority of the people rule. Governments are democratic only in contradistinction to hereditary monarchy and aristocracy. Pure democracy does not exist and on the basis of it government could not be created. Continuing, Dr. Curry said:

"Perhaps the most characteristic feature of our republics, that which most differentiates them from a democracy or absolutism, is that they are *representative*, and evidence of marked advance toward popular institutions is to be found in the parliaments in Germany, Austro-Hungary, Italy and Spain. The Boers grouped their grievances under one head: 'We ascribe all these evils to one cause, namely, the want of a representative government, refused to us by the executive authority of that same nation which regards this very privilege as one of its most sacred rights of citizenship, and that for which every true Briton is prepared to give his life.' It is sometimes said that representatives are chosen because the people in the aggregate cannot conveniently or possibly assemble together. They do not assemble because they ought not. A mass meeting, *ex vi termini*, excludes deliberation and implies passion, prejudice and hasty judgment. In strictness, the population of no country ever governs itself. It can only accept the governing act of representation. This political discovery of the English race, antidote to the fundamental infirmities of a pure democracy, to the despotism of the rabble, is an expedient for collecting peacefully and systematically the general voice, the national will, and formulating it into public acts. It limits the dangerous power and guards against the delusions of the populace and

substitutes experienced and capable men for those incapable of any judicial or legislative function. It seems incontestable that the wars of the last fifty years—notably the Crimean, the Franco-Austrian, the Franco-German, the Spanish-American, the Anglo-African—were principally due to the pressure brought to bear upon governments by popular passions. Democracy has been favorable to colonial passion, to war rather than to peace. The *vox populi* has no potency, no efficacy, except as uttered by and through representatives legally chosen in accordance with preordained and specific directions. The tendency of legislation, of popular assemblage, to violate written constitutions, usurp authority, transcend legitimate functions, is one of the perils which most menace our free institutions. . . . It cannot be too often repeated that a constitution violated is not a constitution abrogated. Our constitution, which elicited highest encomiums from De Tocqueville, Macintosh, Gladstone, Brice, Freeman and Maine, is sometimes unfavorably compared to the English, which being unwritten is flexible and readily adjusted to changing environments. One of the chiefest excellencies of our organic law is the easy method of amendment, which rests in certain determinate bodies—the constitution-making power—and it is revolution or usurpation to look elsewhere for the source of constitutional law. This peculiarly American provision is not averse to progress, does not mean that we are to be hindered by the swaddling-clothes of the last century. The question is by what process shall changes occur? What is resisted is that form and substance of the solemn compact can be changed by acquisition of territory, by the varying breath of popular opinion, by the discretion of a partisan majority in Congress. The only safe doctrine, as held by the framers of our federal system, is that the rights and powers of the United States Government are defined and limited by the federal constitution, and these rights and powers cannot be enlarged or diminished, except by an amendment in proper form to the instrument. . . .

“Political institutions are for the good of the governed. That is fundamental. Often there are conspiracies against the general interest which must be exposed and defeated. The preference of partial to general interest is the greatest of all public evils. One rule of universal application, a sure preventative, is, if you do not want to hurt me, put it out of your power to do so. The law should create no factitious inequalities, confer no partial advantages, should apply to all alike.”

The speaker next called attention to certain retrogressive tendencies in England, especially to the injustice which has been shown to Ireland, the sectarianism in education, and the indifference to such questions as reforming the House of Lords, amending the electorate,

enlarging local government, disestablishing the church and abolishing favoritism in the aristocracy. Continuing, he said:

"We are vitally concerned with retrogressive tendencies or the decadence of Liberalism in our own country, using Liberalism in the words of Chamberlain before his defection, as the expression of the law of progress in politics, bringing changes into complete harmony with the needs and aspirations of the people. The most purblind partisan can hardly deny that power is passing rapidly from the states to the Central government, and that the national maelstrom, in its wide and resistless sweep, is absorbing powers which by our sagacious fathers were most carefully guarded against such extinction. For nothing did they make such vigorous efforts as in behalf of state governments as an essential part of our complex system. Centralization diminishes the importance of and love for the state. We forget that the states protect the most sacred and valued relations of life, and when we degrade them to provinces or assimilate them to counties, we are departing from home rule, local self-government, and the principles and practices of the purer days of the republic. It is sought to turn divorces over to Congress, thus transferring state jurisdiction over property questions to the federal government. Mobs are to be suppressed by the armies of the United States. Formerly states offices were magnified and federal offices sometimes declined. John Hancock, as governor of Massachusetts, disputed for precedence with George Washington, the President. John Jay resigned the chief justiceship of the Supreme Court to be governor of New York. Two Pinckneys of South Carolina, Tucker of Virginia, Livingston of New York, Walker and Smith of Alabama, declined positions on the Supreme Bench. Now position and preferment are sought on the claim of services to a national party. The strengthening of the national government is always to the benefit of organized interests, of concentrated wealth, at the expense of the states as civil organisms and of the people at large. . . .

"Professor Reinsch, in his admirable book on the 'World's Politics,' says that the cause of good government suffers when public attention is centered on national glory abroad, and less thought and energy are kept for the regulation of home affairs. Colonial questions, foreign wars—despite arbitration conferences, militarism—absorbing every penny that taxation can be made to yield, territorial expansion, so absorb energies and engross the time of the executive and the legislature that social and internal legislation becomes less urgent and adequate measures are not devised for great evils. Exertions for social betterment and purer methods in politics have already sustained impairment from this excessive interest in foreign affairs. . . .

"Strong as are these tendencies I am not a pessimist, not a prophet of evil, certainly have not despaired of free institutions. I fully believe in the success and welfare of our country and in its broad and beneficent influence upon the world in the twentieth century. Our patriotic and popular Chief Magistrate recently proclaimed in this city 'Liberty has not lost but gained in strength.' I have no doubt myself of his sincere and faithful purpose to make good that hopeful declaration. Our relations to Cuba and Porto Rico are not altogether of our choosing, but our responsibilities for good government, civil and religious liberty, wise and beneficent laws, must be met and can only be met by holding them as constituent parts of our country, under the same constitution and the same flag. The loss of popular liberty would be a catastrophe too serious not to be averted at any cost. The agencies, preventive and curative, are too many and powerful to allow the threatened perils to befall us. We have as aids the irrepressible energy of civil and religious liberty, useful training in self-government, the omnipotence of the people when aroused from lethargy and impelled by a strong conviction, a lively sense of personal responsibility, a well-grounded hope of larger achievements for freedom and humanity, the inspiration which springs from free schools for all the people, electors beginning to think and act for themselves with more and more enlightenment against demagogism, and Christianized society, vitalizing motives and deciding questions not on Utopian altruism or Machiavellian selfishness, but according to the highest moral standards. Education is a debt due to posterity from the present generation. The most effective way to make popular government a beneficent fact and influence is to lift the masses, all the citizenship, to higher moral and intellectual altitudes. - It is character, not institutions, which makes good citizenship. A government whose citizens are ignorant, base, venal or corrupt, is not far away from anarchy or despotism. With these and other helpful influences wrong tendencies may be counteracted, and what has been imperfectly done may be carried on to a better consummation. This government of ours, model of all republics, grandest achievement of all political wisdom, a constitution rightly interpreted in its unity capable of extension over the whole of North America, inspiration and hope for all peoples struggling for liberty, has in itself the seeds of fruitage for the healing of the nations."

Following Dr. Curry's address Dr. Albert Shaw, editor of the *American Review of Reviews*, spoke in most complimentary terms of Dr. Curry's generous and unstinted labor for the public good, saying that "it is the men who believe in things, and who take stock in the future, that really care enough to fight valiantly for the preservation

and transmission of whatever may be worthy in our own institutional heritage." He, therefore, admitted the value of most of Dr. Curry's criticism but stated that he believed, nevertheless, in the value and in the reality of those social phenomena that men sum up under the general word "progress." He said: "I believe that we live in a world that has been appreciably growing better for a good while past, and that continues to improve; and I also think that there are far better days ahead for the average man. I have never found it possible to believe very deeply in the superior few. Far from holding that the mass of men exists for the sake of the development of the exceptionally superior person, I take it that the superior person is merely a useless accident except as he devotes his more perfect intelligence—or the finer powers that go with his sound and symmetrical manhood—to the practical benefit of his fellow-citizens at large.

"It is a mere quibble to say that there is no such thing as the 'average man,' and that average progress is a fallacy rather than a concrete fact. It is, however, to be noted that what we may call progress is by zigzag rather than by direct lines. Thus in a given period in a given community there may be great progress in ordinary social self-control,—the settling down of the community, the acquisition of the habit of order." Mexico was cited as an illustration. Other illustrations showing the improvement in the economic condition of the average man were quoted. It was claimed that in spite of the disappointment at the result of constitutional liberalism in many countries that not enough attention has been paid to the influence which the spirit of popular institutions has exercised upon both the aims and the methods of institutional life and work in countries where the forms of popular self-government have not been fully adopted. The very considerable progress in Russia in wholesome local life, in improved agriculture, in education, and in the average effectiveness of the units of population, was cited to substantiate this point. In reference to Germany, Dr. Shaw said that the Germans are a great family, aristocratic institutions counting for less in reality than in form. He cited many illustrations of popular progress, and, continuing, said: "Thus, when I go into a German city and find a high development of sanitary administration in the interest of the whole community, an educational system marvelously adapted to the practical needs of the people, and a system of public charity more comprehensive and satisfactory than anywhere else in the world, I say to myself 'Surely, these things and many others like them are the tangible evidence of a great and real progress of the people;' and since the people are thus making progress, can they not be trusted to take

care of themselves as against that possible day when imperial tendencies may seem to threaten the general good?

"My point merely is that if those free and equal political institutions, which were the dream of the German patriots of '48, have indeed fallen far short of realization in Germany, there has been in another way a splendid and truly popular social development; and in keeping with this development of popular life there has come about a real transformation in the spirit of higher institutions of government even while they have retained mediæval forms of nomenclature.

"Thus the institution of monarchy has been retained in England, as Dr. Curry has well shown, solely because it has changed its essential character and has recognized the necessity of its keeping a hold upon the public conscience by its constant regard for the public welfare. I should be in a false position if I became even for a moment an apologist for the English aristocratic system. I have not only no arguments to advance for the continued existence of the House of Lords, but I have never read or heard what seemed to me even a plausible excuse for the retention of that constitutional anomaly; nor do I regard its retention as chiefly due to British ingrained conservatism or reverence for things ancient. I make no reference to individuals in either case, but only to political institutions, when I say that I have no more respect for the British House of Lords as a fixed institution than for the American Tammany Hall as a fixed institution. The higher the personal intelligence and personal character of individuals making up a favored hereditary caste, the more glaring is the inconsistency of their firm retention of privilege. I agree, therefore, with all that Dr. Curry has said in his allusions to the higher structure of the British Government. There is no government in the world of which I have so poor an opinion, measuring it, of course—in the historical spirit—by what would seem to have been the possibilities of constitutional evolution in England—and I need not say again that I have no reference to the individuals who make up the government." Dr. Shaw, nevertheless, called attention to the fact that town government in England is representative and popular in its structure and method, and that here also there are signs of popular progress. In reference to imperialism, both in England and in America, Dr. Shaw spoke as follows: "Certainly we do not live in a time especially favorable to the creation of small independent political sovereignties. On the other hand it seems to me that we do not live in a period that shows a dangerous tendency towards the extinction of real political liberties. There has been both excitement and anxiety, however well suppressed, in the recent discussions at Havana, for instance, having to do with all these matters. Yet it would be impossible for the

United States to exercise despotic government over Cuba; and plainly the practical danger that confronts the Cubans for the next twenty years is not too little freedom from the general oversight of the United States, but just the opposite. Hawaii as shown by the recent election, is already entering upon a far higher measure of actual freedom in the exercise of popular self-government than at any period or any moment heretofore in the history of that group of islands. As for the Philippines, the only possible opportunity that they have ever had,—in any epoch or period from which history even slightly withdraws the veil, for the establishment of free political institutions, has been the chance offered to them through the fact of the general sovereignty of the United States. Far from withholding from them any measure of political freedom that could have any bearing upon their actual well-being, the eagerness of our government to thrust free institutions upon these people who have never by experience known anything about them, has had a semi-humorous and a semi-pathetic aspect." Concluding Dr. Shaw said: "The expansion of our own territorial jurisdiction in the past, far from causing a reversion to systems that disregard human rights and freedom, has had results visible in the creation of the great free commonwealths erected in our annexed territory from the Mississippi to the Pacific Ocean. And I think that like results are now to be seen in the new government of Hawaii; in that of Porto Rico; in the code soon to become law for the self-government of Alaska; and in the tedious but creditable work of assimilating the Indian Territory. May we not hope that the determination of President McKinley to establish modern self-government in the Philippines may also show encouraging results in a not very distant future?

"After all, good men must in due time make good communities under appropriate modes of government; and in the wise education of children lies the great hope for future political freedom."

Dr. James T. Young, of the University of Pennsylvania, was called upon to close the discussion. He pointed out the natural development of the United States through the concentration of industries to the centralization of power in fewer hands. He attributed this to purely natural causes due in part to the improved means of communication, both intellectual and material, between the people of the United States resident in different parts of the country. He pointed also to certain tendencies to a world-wide extension of this concentration of power, citing as an illustration the successes attending the organization of the National Postal Union.

He also distinguished between administrative centralization, in which the central government actually exercises all power directly,

and central administrative control, in which the local governmental bodies exercise power in the supervision of the central authorities. The speaker claimed that central control over local activity was not open to the same objections as centralization. Where local bodies exist, even though they may be controlled by central authorities, the citizen is given considerable opportunity for political training and education by his activity in the local government. Where they do not exist the opportunity for political education is limited. His main thesis was that our attitude toward this tendency should not be one of hostility but rather of welcome.

Report of the Annual Business Meeting of the Academy.

The annual business meeting was held in the lower hall of the College of Physicians and Surgeons, in accordance with the provisions of the by-laws, on the third Monday in January: to wit, January 21, 1901, at 4 p. m. It was a well-attended and enthusiastic gathering of those interested in the conduct of the affairs of the Academy. The minutes of the last meeting were read and approved, the treasurer's report accepted and ordered filed, and the report of the board of directors of the Academy during the calendar year 1900 was read and discussed. The report of the directors called attention to the fact that the membership of the Academy remained at about the same high figure as at the same date last year. Attention was also called to the need of better housing facilities for the Academy's work, especially for its library. The meetings of the year were reviewed and attention was called to the publications of the Academy. Six numbers of the ANNALS, comprising two volumes, aggregating 1,030 pages, and two supplements, of 208 pages and 72 pages respectively, were issued, in addition to which three bulletins containing announcements were also sent to members, making in all 1,340 pages of printed matter sent out to the members of the Academy during the year 1900. The report stated that "all of these publications were sent free to members and in addition each member is entitled to cards admitting four invited guests to each of the meetings of the Academy. It is possible to continue these privileges only through economical management and the maintenance of a large membership. This economical administration is secured through the fact that the whole conduct of the Academy's affairs, both in editorial and business matters, and in connection with our meetings, is a labor of love on the part of all concerned. There are no salaried officers; no compensation is paid to speakers; and only necessary clerical expenses in the conduct of the business and editorial work of the Academy and the traveling expenses of speakers and expenses for entertainment are paid for out of its treasury. In recog-

nition of this missionary spirit that has thus far characterized the work of the Academy, the directors feel that it is not unreasonable to expect that each member will endeavor to do his share to promote its interests and to extend its influence, and through personal effort to add to its membership such of his friends and acquaintances as he may think would be interested and willing to co-operate in its work or would profit by the privileges of membership. Several members have during the past year qualified as life members by paying one hundred dollars, which exempts them from all future assessments or dues. It is highly desirable that more members should take this step in order that the work of the Academy may be put upon a solid basis. The money from life-membership fees is permanently invested. The report also showed that the accounts of the Academy had been audited by professional auditors and found correct. The securities representing permanent invested funds have a par value of \$5,000, but their market value is somewhat above that amount. They are yielding over 6 per cent interest. The expenses of the last annual meeting and the cost of publication of the supplemental volume containing a report of that meeting and the addresses then delivered were met through the sale of this volume and through contributions to a special fund.

The Academy has sustained through death during the past year the loss of an unusually large number of members, many of whom were men of exceptional ability as leaders of life and thought in their respective communities. The following list is as complete as it is possible to make it from the records of this office; notices should be sent of any omissions in the list: H. H. Aldrich, Chicago, Ill.; Dr. William Bishop, Salina, Kan.; Dr. J. M. Da Costa, Philadelphia; Dr. F. Humphreys, New York City; Dr. Vincent John, Innsbruck, Austria; Oswald Ottendorfer, New York City; Frederick Meredin Peterson, San Francisco, Cal.; John Polson, West Mount, Paisley, Scotland; Charles Pratt, Toledo, Ohio; H. W. Reed, San Nicolas del Oro, Mexico; A. J. Rooks, Sommerville, Tenn.; Matthew Semple, Philadelphia; Thomas G. Shearman, Brooklyn, N. Y.; Professor Henry Sidgwick, Cambridge, England; Henry Villard, New York City; Dr. Charles Voorhees, New Brunswick, N. J.; Isaiah Wears, Philadelphia; Oren W. Weaver, Washington, D. C.; Hon. William L. Wilson, Washington and Lee University, Lexington, Va.

The term of office of three directors expired, to wit: Dr. Roland P. Falkner, Chief of the Bureau of Public Documents, Washington, D. C.; Professor Leo S. Rowe, of the University of Pennsylvania, and Mr. Stuart Wood, of Philadelphia. These three gentlemen were re-elected for a term of three years. The summary of the Treasurer's Report as prepared by the auditors is as follows:

Synopsis of Cash Account for Year Ended December 31, 1900.

Balance:	January 1, 1900, as per last year's report	\$1,884 96	
<i>Receipts:</i>	Annual subscriptions	7,119 20	
	Life membership	300 00	
	Special contributions	650 00	
	Sales of publications, etc.	2,148 63	
	Income from investments	320 00	
	Interest on deposits	37 24	
			<u>\$12,460 03</u>
<i>Payments:</i>	Clerk-hire and stenographers	\$1,651 33	
	Printing, stationery, etc.	6,439 99	
	Office expenses, postage, etc.	1,087 55	
	Advertising	75 90	
	Expenses of meetings:		
	Rent	\$130 00	
	Invitations, etc.	176 00	
	Refreshments	250 50	
	Traveling expenses of speakers	176 08	
	Miscellaneous	182 20	
			<u>914 78</u>
			<u>\$10,169 55</u>
Balance:	December 31, 1900, viz.:		
	In Mortgage Trust Co., Penna. . . .	\$1,192 34	
	In Centennial National Bank	836 23	
	At Academy Office	61 91	
	With A. S. Harvey, Banker, London . .	200 00	
			<u>2,290 48</u>
			<u>\$12,460 03</u>

The accounts of the Academy were audited and found correct by Messrs. Lybrand, Ross Brothers and Montgomery, certified public accountants, Philadelphia.

The report of the board of directors was discussed and many helpful suggestions offered by the members of the Academy present. There was a general feeling of satisfaction at the prosperous condition of the affairs of the Academy. A vote of thanks to the officers and directors and to the ladies of the reception committee for their services during the year was unanimously adopted. Such hearty appreciation as that manifested in this meeting and that displayed in

the following quotations from two letters received immediately after the meeting, is ample reward to those who have been charged with the conduct of the Academy's affairs. One who has been a member of the Academy from near the beginning of its organization writes: "Please permit me to say that the uniform kindness I have received from the officers of the Academy in reply to requests for information has deeply impressed my heart and endeared them to me. They have spared no labor or trouble to render me the desired assistance." Another member, of almost equally long standing, writes: "The work of the Academy is certainly most successful, satisfactory and advancing and I extend to you my personal appreciation, etc."

Election of officers.—At the meeting of the board of directors following the annual business meeting, the board was reorganized for the work of the year and officers elected. A communication from the president of the Academy, Professor Edmund J. James, of the University of Chicago, asking that his name be not considered for reelection, was read. After many expressions of regret, in which every member of the board present shared, that Professor James felt himself compelled to decline to serve longer in an active official capacity, the board proceeded to an election of officers, which resulted in the unanimous election of Professor Samuel McCune Lindsay, first vice-president and acting president since 1898, as president of the Academy; Professor Leo S. Rowe, who had served during the past year as secretary of the Academy, as first vice-president; and Professors Franklin H. Giddings, of Columbia University, and Woodrow Wilson, of Princeton University, as second and third vice-presidents respectively. Mr. Stuart Wood was re-elected treasurer, and Dr. James T. Young, of the University of Pennsylvania, who is known to the readers of the publications of the Academy as Editor of the Book Department of the ANNALS, was elected secretary; Mr. Clinton Rogers Woodruff was re-elected counsel; and Professor John L. Stewart, of Lehigh University, was re-elected librarian.

Correction of typographical error in the January Annals.—The editors of the ANNALS beg to call the attention of our members to a typographical error in the January ANNALS in the signature to the article by the Chinese Minister, His Excellency Wu Ting-fang. The words "Chinese Embassy, Washington," on page 14, should read "Chinese Legation, Washington." Also, on page 9, in line 9 from the bottom of the page, the phrase "with a few exceptions" should be inserted after the word "but."

PERSONAL NOTES.

University of Chicago.—Since going to Chicago in February, 1896, Professor James has held the chair of Public Administration and has had charge of the Extension Division of the University. He organized and was for two years Dean of the College for Teachers, a department of the University established to offer special facilities for higher instruction to the teachers in the public schools of Chicago. Its success was so immediate and decided that its relation to the University was made more intimate, and under the name of the University College it has become the down-town centre of work for the institution.

He was appointed in 1897, by the Governor of the State, a member of the Board of Trustees of the Illinois State Historical Library, and was shortly after elected vice-president of this board. In this capacity he took up and pushed through to success a project often proposed, but never before carried out, for the formation of a State Historical Society. He also inaugurated the plan of publishing a series of historical monographs on the early history of the state, having contributed himself three numbers to the series.

He was appointed by the Secretary of State to represent the United States at the International Congress on Commercial Education, held at Antwerp in May, 1898.

Professor James was offered the presidency of the University of Cincinnati in May, 1899. He spent the academic year 1899-1900 in Europe, chiefly in Paris and Berlin, engaged in the study of problems of municipal administration.

Publications by Edmund J. James since 1895 :¹

"*An Early Essay on Proportional Representation.*" ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, Vol. VII, pp. 233-252, March, 1896. Philadelphia, 1896.

Reprinted as No. 163 of the Publications of the American Academy of Political and Social Science.

"*An Examination of Bryce's American Commonwealth.*" ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, Vol. VII, pp. 377-410, May, 1896. Philadelphia, 1896.

Reprinted as No. 172 of the Publications of the American Academy of Political and Social Science.

Review of *Black's "Hand-Book of American Constitutional Law."* ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, Vol. VII, p. 475, May, 1896. Philadelphia, 1896.

¹ ANNALS, vol. vii, pp. 78, January, 1896.

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"*Training for Citizenship.*" Address delivered before the Central Illinois Teachers' Association, Galesburg, March 26, 1897. Paris, Ill., 1897.

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"*Relation of the State University to Commercial Education.*" Address before the University of the State of Missouri, 1897.

"*The Training of the Citizen.*" National Herbart Society. Third Yearbook, 1897.

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"*The Education of Business Men in Europe.*" University of Chicago Press, Chicago, 1898. A reprint of the report made to the American Bankers' Association in 1892.

"*The University of Chicago College for Teachers.*" Address at opening exercises of the college. University Record. October 28, 1898.

"*The Growth of Great Cities in Area and Population.*" ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, Vol. XIII, pp. 1-30, January, 1899. Philadelphia, 1899.

Reprinted as No. 243 of the Publications of the American Academy of Political and Social Science.

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"*Commercial Training in the Public High Schools.*" Report of the Educational Commission of the City of Chicago, appointed by the Mayor January 17, 1898, Chicago, 1899. Pp. 208-217. Reprinted by the University of Chicago Press, Chicago, 1900.

"*The Work of a City University.*" Commencement address before the University of Cincinnati, July, 1899. Cincinnati, 1899.

"*Bibliography of Newspapers Published in Illinois Prior to 1860.*" Number I of the Publications of the Illinois State Historical Library, Springfield, Ill. Phillips Bros., State Printers, 1899. Pp. 94.

"*Information Relating to the Territorial Laws of Illinois, passed from 1809-12.*" Number II of the Publications of the Illinois State Historical Society, Springfield, Ill. Phillips Bros., State Printers, 1899. Pp. 15.

"*The Charters of the City of Chicago.*" Part I, The Early Charters, 1833-37. University of Chicago Press. Chicago, 1898. Pp. 75. Part II, The City Charters, 1838-51. University of Chicago Press. Chicago, 1899. Pp. 115.

"*The Government of a Typical Prussian City, Halle a. S.*" ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, Vol. XV, pp. 313-354, May, 1900. Philadelphia, 1900. Republished as No. 274 of the Publications of the American Academy of Political and Social Science.

"*Street Railway Policy in Berlin.*" ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, Vol. XV, pp. 437-440. May, 1900. Philadelphia, 1900.

"*Notes on Municipal Problems in Berlin.*" ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, Vol. XV, pp. 477-480. Also p. 483, May, 1900. Philadelphia, 1900.

"*Political Relations Between the United States and Europe.*" Four articles in the Chicago Tribune in 1900.

"*Commercial Education in the United States.*" Monograph for Educational Exhibit of the United States at the Paris Exposition. Albany, 1900. Pp. 51.

"*Municipal Lighting in a Typical German City, Halle a. S.*" Municipal Affairs. Vol. IV. Pp. 574-594. September, 1900. New York, 1900.

"*The City Council of Berlin.*" The American Journal of Sociology, Vol. VI, p. 407-415, November, 1900. Chicago, 1900.

"*The Metropolitan Underground Railway in Paris.*" Report of the Street Railway Commission to the City Council of the City of Chicago, December, 1900, pp. 124-136. Chicago, 1901.

"*The Finances of the City of Berlin.*" Chicago Tribune, January 12, 1901.

"*The Street Railway Franchises of the City of Berlin.*" The Journal of Political Economy, Vol. IX, March, 1901. Chicago, 1901.

"*The Relation of Our Schools and Colleges to Higher Commercial Education.*" Address before the American Economic Association, Detroit, December 27, 1900. Publications of the American Economic Association, 1901. New York, 1901.

"*Municipal Ownership of Quasi-Public Utilities.*" Address before the Merchants' Club of Chicago, November, 1900. Chicago, 1901.

"*The Territorial Records of Illinois.*" Number III of the Publications of the Illinois State Historical Library, Springfield, Ill. Phillips Bros., State Printers, 1901.

Canada.—Mr. W. L. Mackenzie King was appointed, in July, 1900, editor of the "Labor Gazette," the organ of the newly-created Department of Labor of Canada. He has since been appointed Deputy Minister of Labor for Canada. Mr. King was born December 17, 1874, at Berlin, Canada. He graduated from the University of Toronto in 1895 with the degree of B. A., having received first class honors in Economics, Political Science and History throughout his course. During the year 1895-96 he was on the staff of the "Toronto Globe." In 1896 he received the degree of LL. B. from the Law Department of the University of Toronto. He was Fellow in Economics in the University of Chicago during the year 1896-97. While in Chicago he was a resident of Hull House and assisted Dr. Henderson in his book on "Settlements." In 1897 Mr. King prepared a report on the methods adopted in Canada in the carrying out of government clothing contracts. This report was made the basis of the "fair wages" policy since adopted by the Canadian Government. During the years 1897-99 he held resident fellowships in Economics in Harvard University, and in 1898 received the degree of M. A. from that institution. He spent the year 1899-1900 in England and on the Continent as a traveling Fellow of Harvard. In June, 1900, he received an appointment as Instructor in Political Economy in that university. This he resigned to accept the editorship of the "Labor Gazette." For the past couple of years he has been making a special study of home industries, public contract work and the sweating system in America and in Europe. During his stay in Europe he was commissioned by the Canadian Government to prepare a report on the methods adopted in European countries to suppress the sweating system in connection with public contract work. He has written:

"*Trade Union Organization in the United States.*" Journal of Political Economy, March, 1897.

"*The International Typographical Union.*" Ibid., September, 1897.

BOOK DEPARTMENT.

NOTES.

MINING ENGINEERS AND GEOLOGISTS, who have occasion to work along economic lines, often feel the need of a compend of economic geology covering the ground briefly and in a methodical manner. Such a work is supplied by the Syllabus of a Course of Lectures on Economic Geology, prepared by John C. Branner, Ph. D., and John F. Newson, A. M., of Stanford University, a second edition of which has recently appeared. The numerous and orderly bibliographical references here given afford as complete a treatment of the subject as the nature of the subject and the necessary condensation of a syllabus will permit. The book consists of a series of headings and brief notes which serve for the most part rather to indicate what should be studied, than to provide any large amount of the detailed information which is to be obtained by aid of numerous references to the literature. The syllabus consists of two parts: (1) An introduction containing notes on the relation of mineral deposits to industry, a brief consideration of the topographic methods and the usual discussion of the classification, origin and features of ore deposits; and (2) a consideration of mineral deposits under the heads of their metals and other useful constituents. Each subject is in general subdivided according to the subtopics: uses, ores, mode of occurrence and distribution, especially in the United States, although these subtopics are not uniformly adhered to, metallurgy and other subjects being introduced in some cases. The work is well illustrated and the illustrations are well selected. An unusual feature is a large number of curves, showing production from year to year of the various minerals in different countries. By use of this work one can get at a moment's notice references to literature bearing upon almost any subject connected with mineral deposits, and herein lies its chief value.

It is much to be regretted that errors of the baldest kind, due apparently to haste in compilation, are so numerous as largely to destroy any value the book might have as a work of reference. It may not be used safely by itself, but only in conjunction with some such standard treatise on ore deposits as that of Phillips or Davies.¹

¹ Contributed by Mr. H. W. NICHOLS, of the Field Columbian Museum, Chicago.

MR. CARPENTER'S new book on South America¹ was written for the entertainment and instruction of the reading public. The author did not aim to attract the specialist, but rather to give in journalistic style the observations of a traveler. He tells of a journey of 25,000 miles, extending entirely around the continent, including stops at all the chief cities and excursions to many interior points. Mr. Carpenter asked a great variety of questions of all whom he met, and he tells in an interesting way of the results of his inquiries and observations. Naturally the range of subjects is wide, and any one desiring recent information on South American conditions will find some facts along almost any line of inquiry, whether it be geographic, economic, political or social. The author discusses the social condition, both of the Parisian-mannered populations of the capital cities, and of the Patagonian savages, to whom white man's clothing is proving fatal. The book confirms the prevalent opinion that in practice the South American republics are not republics at all, but are ruled by ambitious leaders, who have established virtual dictatorships under the mask of republican forms.

Economic matters receive considerable space, and it is shown that there are great natural resources yet to be utilized. If their development continues it will be because of the activity of the foreigners who already control the bulk of business affairs, the native white race devoting itself chiefly to politics.

There is a good index, which, together with a careful selection of chapter headings, renders it easy to make topical reference to the large fund of information contained in the book.

BARON PIERRE DE COUBERTIN is too omniscient, he hurts our pride. In the preface to "*France Since 1814*"² he tells us that we know nothing about the real history of France in this century; that we have been repeating idle tales, believing in invertebrate legends, and neglecting that metaphysical interpretation of French history which alone is the truth. The only compensation for this is his equally omniscient way of telling the French people that they have always exhibited a peculiar incapacity to profit by their successes, a tendency to lose in victory the force gained in struggle. If the foreigner is lectured so is the Frenchman, and very likely both deserve it.

But M. Coubertin's book is a failure. It is too general and dogmatic for the scholar, too metaphysical and obscure for the people.

¹ *South America, Social, Industrial, Political*. By FRANK G. CARPENTER. Pp. 618. Price, \$3.00. New York: W. W. Wilson, 1900.

² *France Since 1814*. By Baron Pierre de Coubertin. Pp. x, 281. Price, \$1.50. New York: The Macmillan Company, 1900.

For whom it is intended we cannot quite see. Furthermore, notwithstanding its claims, it is not always impartial, as witness the treatment of the Panama scandal. It is also either wretchedly written, or, as is more likely the case, poorly translated.¹

"THE DOLLAR OR THE MAN"² is a collection of fifty-six cartoons by Homer Davenport, which are intended to present graphically the trust issue in the last campaign. The selection is made by Horace L. Tranbel, who introduces the drawings by a discussion on The Problem, the Cartoon and the Artist. If the trust issue ever becomes of paramount importance in American politics, undoubtedly the drawings in this collection will serve both to teach the historian the evolution of the problem, and to promote the growth of definite ideas among the masses. The guiding principle of the artist is taken from Lincoln—"Both the man and the dollar, but in case of conflict, the man before the dollar."

THERE is perhaps no book which could command a better market than a comprehensive history of education in the English language. Various writers have essayed this task but without great success and we are forced to enlist the services of a number of books to complete what might be called a history of education. Laurie's "Historical Survey of Pre-Christian Education" is the text-book for that early period, but on looking over the field after that time it is difficult to name any one or two books that can be fully endorsed. We have of course a multitude of books bearing on different periods and phases, but a comprehensive text-book, historically accurate, impartial and characterized by a good English style is the great *desideratum*. We owe much in education to the late Mr. Thomas Davidson, and in this his last work, he has conferred a great benefit upon those who are interested in the study of education. The "History of Education"³ is written from a singular standpoint, it emphasizes some phases of educational history which are generally slighted and it is safe to say that there will be no imitation of it, for in it can be plainly seen the mark of an individual mind. This is one of the best features of the book. It does not aim to impart knowledge, to chronicle certain facts, but rather seeks to discover the causes of things. It is the suggestiveness, the stimulation to research and to thought that commends this contri-

¹ Contributed by Professor CHARLES M. ANDREWS.

² *The Dollar or the Man*. Pictured by HOMER DAVENPORT. Price \$1.00. Boston: Small, Maynard & Co., 1900.

³ *A History of Education*. By THOMAS DAVIDSON. Pp. viii, 292. Price, \$1.25. New York: Charles Scribner's Sons, 1900.

bution to the history of education, and more than any other book on the subject it fulfills the mission of the true text-book—an intelligent suggestiveness rather than an indiscriminate array of facts.¹

MR. RICHARD HARDING DAVIS publishes under the title "With Both Armies in South Africa"² ten interesting chapters of his observations and experiences, first with the English army under Buller at the siege and relief of Ladysmith, and later with the Boers through many experiences in and around Pretoria, up to the British occupation of that city. Mr. Davis wields a trenchant pen, and his observations on both sides of the line have given him an exceptional opportunity for a fair judgment. His chapter on "Pretoria in War-time" deserves preservation, and would make very profitable reading for every English-speaking jingo.

"FINLAND AND THE TSARS"³ is confessedly a book written to defend a cause, a losing cause unfortunately, for, as every year is showing, the independence of Finland is departing and the former self-governing duchy is rapidly becoming a province of the Russian empire. The Baltic provinces, Poland, the Georgian Caucasus, and now Finland are being slowly assimilated by the great Muscovite power. That the Czar's manifesto of February 15, 1899, and the military law have practically abolished the constitutional liberties guaranteed to the grand duchy in 1809 by Alexander I, and confirmed by his successors, is proven in the first nine chapters of Mr. Fisher's book. The attitude of the Russian crown is the more indefensible even from the point of view of reasons of state because of the promise of Nicholas II to maintain the Finnish constitution intact in all its force and vigor. But the matter is a *chose jugée*, and all discussion of it has to-day little more than an academic value. Mr. Fisher has had exceptional opportunities of becoming acquainted at first hand with the constitutional issues in dispute, and his work contains the best account in English of the struggle up to 1899. Readers interested in the subject would find the following additional works deserving of attention: "*Finlande et Transvaal*," by A. Leroy-Beaulieu, in "*Revue Bleue*," "*Pour la Finlande*," by René Puaux; "*Le Coup d'Etat en Finlande*," "*Au Seuil de l'Europe, Finlande et Caucase*," by Pierre Morane.⁴

¹ Contributed by George Herbert Locke, The University of Chicago.

² Pp. xi, 237. \$1.50. New York: Charles Scribner's Sons, 1900.

³ By JOSEPH R. FISHER, [B. A. Pp. xv, 272. Price, 12s. 6d. London: Edward Arnold, 1899.

⁴ Contributed by Professor CHARLES M. ANDREWS.

M. CHARLES GIDE'S admirable text-book¹ on Political Economy has just appeared in a seventh edition. The principal difference between this and the preceding edition consists in the correction of certain errors, and an attempt to make clear what seemed obscure to readers of former editions. The epigraph which for seventeen years appeared on the first page of the book has been removed, and in its place the author quotes from Tolstoi's Resurrection: "All evil comes from the belief that there are certain relations between men where one can act without love. But such relations do not exist."

This maxim seemed, to the author, to explain the pressing need of our times, the intervention of altruistic motives in our social relations, and in the explanation of social phenomena. Many of our economists are unwilling to give up the classical rigidity and the geometrical symmetry of the old doctrines, which seemed to possess the solidity and transparency of fine crystals, but which are undoubtedly melting away in the light of criticism and observation. Professor Gide's standpoint, essentially the same as it was when his book was translated into English in 1889, is familiar to American readers. The principal thesis of the school to which he belongs lies in the idea of solidarity, and the substitution of co-operation for competition. Its adherents uphold the moral ideal of inter-responsibility and maintain that the development of the individual is bound up with that of society; the most effective "self-help" lies in mutual help. In point of style, the book continues to possess, in an increased degree, the merits of perspicacity and charm.

"THE HIGHER EDUCATION,"² by Professor G. T. Ladd, of Yale University, is a collection of four notable essays on the "Development of the American University;" "The Place of the Fitting School in American Education;" "Education, New and Old;" and a "Modern Liberal Education." These are thoughtful essays and ought to be read with President Eliot's "Educational Reform." We have been accustomed to hear educators say that the secondary education of this country is dependent upon the universities, but Mr. Ladd asserts that the problem of the development of the university in this country is largely the problem of securing a satisfactory secondary education, and that it is the proper adjustment of high school and college that is going to make clear the way for a real American university. This might be compared with President Harper's address on "The Prospects of the Small College." The other essays deal with equally important

¹ *Principes d'Economie Politique*. Pp. vii, 654. Price 6 fr. Paris: L. Larose, 1901.

² Pp. viii, 142. Price, \$1.00. New York: Scribner's Sons, 1899.

phases of American education, discussing the elective system and its disadvantages, and the true place and function of the Preparatory School. The last essay sums up many of the preceding arguments; in a masterly fashion Mr. Ladd tells us of the defects of our present system and of the immense possibilities there are of helping girls and boys to become really *educated*, provided that we hold fast to those things that have been proved to be good.¹

PROFESSOR ANDRÉ LEFÈVRE, of the Paris School of Anthropology, one of the leading French authorities on the development of classical Greek religious and political ideas, has just published a popular volume² on Antique Greece. As the great teacher of occidental nations, Greece has left traces in history which will never be entirely effaced; the author of this book attempts to unravel and analyze the complex elements of Greek civilization and thereby throw some light on the origin of our modern intellectual and artistic life. Greek mythology makes up an integral part of our intellectual possessions, and Christianity owes many of its rites and dogmas to the same source; even the mediation of a Saviour is an idea which was by no means unknown to the fellow-citizens of Prometheus. It would seem, however, that Professor Lefèvre often goes out of his way to state that Christianity is built up of plagiarisms from pagan mythology (pp. 22-23).

A THIRD volume in the American Historic Towns³ series has appeared. The following southern towns are represented: Baltimore, Annapolis, Frederick Town, Washington, Richmond, Williamsburg, Wilmington, Charleston, Savannah, Mobile, Montgomery, New Orleans, Vicksburg, Knoxville, Nashville, Louisville, Little Rock and St. Augustine. Two chapters deserve especial mention. Richmond-on-the-James is fortunate in having as biographer the late William Wirt Henry, who devoted to this no doubt pleasing task, the same careful workmanship with which he studied the history of the evolution of American political consciousness. The chapter on Washington is especially interesting at this time when the centennial of the establishment of the nation's capital has just been celebrated. In most

¹ Contributed by Mr. GEORGE HERBERT LOCKE, Chicago.

² *La Grèce Antique : Entretiens sur les Origines et les Croyances.* (Bibliothèques des Sciences Contemporaines) pp. 163. Price, 6 fr. Paris: Schleicher frères, 1900.

³ *Historic Towns of the Southern States.* Edited by LYMAN P. POWELL. Pp. 604. Price \$3.50. Putnam, 1900.

delightful manner the history of the capital city is traced from the dream of Francis Pope in 1663, down to the present time when, the author convincingly concludes, "Washington is no longer the city of magnificent intentions; it is Washington the Magnificent."

IN "AMERICAN PUBLIC SCHOOLS"¹ by John Swett, is gathered a mass of information, of more or less value, dealing with various aspects of the public schools of this country. Unfortunately it is in a very unorganized form, and much of it is so general as to make it of little practical use. The best part relates to California, where the author is on his own ground, having had much to do with the early history of education on the Pacific Coast.

REVIEWS.

The Germans in Colonial Times. By LUCY FORNEY BITTINGER. Pp. 414. Price, \$1.50. Philadelphia: J. B. Lippincott Company, 1901.

After many years of neglect, the Germans of Pennsylvania and of other parts of the United States have begun to receive the attention their share in the making of this country well deserves. The Pennsylvania German Society has contributed a very valuable series of studies by Sachse, Diffenderfer, Jacobs and other careful students. Walton's Conrad Weiser and biographies of the Muhlenbergs and other noteworthy early Germans have brought home a better knowledge of their achievements in peace and war. Sharpless' "Two Centuries of Pennsylvania History" does justice to the German element in its growth. On the other hand, Fisher's "Pennsylvania Colony and Commonwealth," and even Bolles' "Pennsylvania," are notable for the slight credit given to the Germans who counted for so much in its early days and in its later history. Miss Bittinger's "Germans in Colonial Times" is a capital summary of their share in the settlement of the colonies. The work shows how they found refuge here from oppression at home, and in return for the freedom secured in the new world, by their industry, morality and piety, helped forward the cultivation of the soil, the peaceful conquest of wild regions, and the stable introduction of good government. Uncomplainingly they endured ill treatment in New York and Virginia, in North and South Carolina, in Georgia and in later days in Maine, but in New Jersey, Pennsylvania and Maryland, as well as in the West, the German settlers and their descendants, and the later successive waves of German

¹ Pp. 320. Price, \$1.00. New York: The American Book Company, 1900.

immigration, counted for much in the successful development of the country. In war as well as in peace they did their full duty, and their record of services is one that well deserves the tributes of honor now being paid to them. Löher was one of the first German writers to bring out the share of the Germans in the making of the United States, and Kapp and Schurz for New York, and Seidensticker for Pennsylvania, supplied much of the material that, along with research in the original records, has made Miss Bittinger's book one that deserves recognition for its merits. Her book is inspired by her own descent from good German stock and her earlier books paid due tribute to the merits of her own ancestors. Now on a broader field her hand has boldly and clearly traced the story of the early German settlers in various parts of the country, of their struggles and sacrifices, of their conquest not only of the soil, but of the prejudices of the colonial governments and of their neighbors and of others who envied them the fruits of tireless patience, endurance and faith. Her narrative begins with the conditions in Germany which led to emigration, and traces its successive stages in Pennsylvania and Maryland, in New York and New Jersey, in Virginia and the Carolinas, and Georgia. It shows the share of the Germans in the old French war, and gives an account of the "Royal American" Regiment, still in existence in the British army, and proud of its record in America. Of the Germans as pioneers and in the War of American Independence, and of their share in the dealings with the Indians, this little book gives a very satisfactory summary. A chronological table, and a list of works consulted and cited, and a full index, give it special value for purposes of reference and as a useful handbook. Modest alike in tone and spirit, as well as in its size, this volume on the Germans in colonial times, is a book that well deserves a place in every collection of historical works. The product of the early German press is now eagerly sought by collectors, and from the long list of works printed by Sauer and Franklin, at Ephrata and Frederick, in Lancaster and Philadelphia, many are noteworthy for their intrinsic value, and as illustrating the learning brought here by early German immigrants. Of these books Miss Bittinger makes due mention, and her chapter on "The German Press" is among the most noteworthy of the many subjects so well treated in her pages. Her studies have been wide and exhaustive, and the result is a well planned, well digested and well executed volume, that cannot fail to bring home to her readers a better knowledge of what this country owes to its German population, and their share in its growth and development in its best characteristics.

J. G. ROSENGARTEN.

Philadelphia.

The "Machine" Abolished and the People Restored to Power by the Organization of All the People on the Lines of Party Organization.

By CHARLES C. P. CLARK, M. D. Pp. 196. Price, \$1.00. New York : G. P. Putnam's Sons, 1900.

Many years ago, Dr. Clark diagnosed the disease of our body politic, but the New York Legislature refused to fill the prescription when his own city of Oswego wished to remedy the disorder. Consultation and research having confirmed his opinion, he here gives us in more detail both the scientific determination of the cause of the disturbance and a treatment for its correction.

Accepting the general principle of democracy, the author finds that the evil lies in the present method of general elections. The method, however, is at fault only in large constituencies, where it is necessary either to vote for the party nominees or to lose a vote.

Yet party organizations are universally necessary under existing conditions. To abolish the party, the conditions must be altered. The people must nominate those whom they elect. The citizens must be organized on natural lines as one body to centre their votes on men whom they know and whose duties they understand. The caucus and convention are the natural machines for the expression of the popular will. The fact that the parties, and not the people, control them is the true root of our political difficulties.

The failure of direct popular elections being attributed to three conditions, the treatment is designed to counteract (1) the actual and necessary ignorance of the great majority of voters both as to whom they are voting for and what they are voting about; (2) their utter inability to unite of and among themselves, upon representative candidates for office; and (3) the organizations of politicians who have become corrupt and corrupting masters.

The principle invoked is similar to that proposed before the constitutional convention of 1787, that the President be chosen by electors to be chosen by the people. It is the method of compound representation by which the members of the French constituent assembly of 1789 were elected. It is the electoral system on an extension plan. The primary caucus-chosen delegates, or their representatives, which now make but a preliminary, shall make the final choice of public officials. Nomination and election are to merge, and become synonymous. The primaries must be substituted for the polls. But there is to be only one primary for each precinct, at which all the voters are to assemble in actual and orderly conference, after the manner of the old New England town-meeting, to elect one delegated representative. Where these primary delegates are too numerous for free consultation, they must be assembled in district conventions and appoint

delegates of a higher grade to convene for the selection of men for office.

Among the peculiar features embodied in this plan are those limiting the tenure of office and the size and personnel of the primary caucus. Office-holders and delegates shall be removable at the will of the power that elected. The primaries are to be composed of equal numbers (say two hundred) of all the voters in a ward or township distributed among the precincts by lot, after the fashion of empaneling a jury. This lot-drawn constituency meets privately, elects its own officers and tellers, cannot be adjourned before a certain time, votes by ballot upon the calling of the roll, and elects a man not a member of the primary. By this general remedy we are to have less taxes, fewer elections, more concentration of authority in the people, greater official responsibility, an end of election frauds, the abolition of the "machine," and a better form of democracy.

The prognosis is too favorable. Party spirit will prevent such a consummation for an indefinite period. The fundamental reason for partisanship is that men differ in opinion. The treatment does not abolish the party. It should not. It aims at the party organization. Even here, the author admits that the full benefits are ultimate and not immediate. This relief must be accepted in the absence of speedier reform, yet the plan proposed offers no increased opportunity for the political education of the people. It does not solve the city problem. It does not actually increase either the power or the knowledge of the community. Only action and education can do that.

The possibilities of disproportionate representation as a result of the unessential feature of lot-drawn constituencies are so great that the American spirit is apt to prefer cheating, which may be stopped, to bad luck, which cannot be changed. The remedy, however would probably prove beneficial; it certainly offers more hope than any other single preparation in the political pharmacopœia. It will make an issue on men rather than on measures, and tend to put the right man in the right place. The success of the whole system depends upon the conduct of the primary caucus which may be controlled by a majority of its members. If the people rule not well, they may at least rule and have only themselves to blame.

CLAUDE L. ROTH.

Philadelphia.

A Century of American Diplomacy. By JOHN W. FOSTER. Pp. 497. Price, \$3.50. Boston: Houghton, Mifflin & Co., 1901.

Ex-Secretary of State John W. Foster has written a very interesting history of the hundred years of American diplomacy from 1776. The

book is an "outgrowth of a series of lectures delivered in the School of Diplomacy of Columbian University." Two motives for the publication are given by the author: first, that "the young men of the country may have their patriotism quickened and be inspired with a new zeal to assist in maintaining the honorable position of our government in its foreign relations;" and secondly, that "in view of the recently enlarged political and commercial intercourse of the United States with other powers, a succinct history of the diplomatic affairs of the government . . . might be useful in the solution of the questions of foreign policy now so urgently presented to the American people." In short, Mr. Foster proposed the twofold task of a text for the college and high school and a popular history which would attract the busy citizen and mould his opinions on questions of foreign policy.

Mr. Foster has had a long public experience, at home as a lawyer, soldier, editor, politician, and abroad as our diplomat to Mexico, Russia and Spain. He actively assisted Mr. Blaine in the negotiation of the reciprocity treaties. He had charge of the American case before the Behring Sea arbitrators. He was secretary of state, and later was called by the Emperor of China to assist him in the peace negotiations with Japan. He probably possesses a more intimate acquaintance with foreign diplomats, politicians and statesmen than any other American. Therefore anything he might write would have more than academic interest. Added to the equipment of experience, Mr. Foster possesses a simple, lively style and a taste for an interesting subject-matter. Possibly here he has erred in selecting too much material that is merely anecdotal. Frequently his quotations are long and have only an indirect bearing on his theme. He has evidently desired to indicate the advance the century has brought in political and party ethics. To this end he has revied in excessive detail the wrangles and intrigue of our political fathers. He has gone freely to the original sources. Unfortunately, in referring to the "President's messages," Mr. Foster has accredited this collection of documents to the unworthy editor who abused the trust reposed upon him by Congress. The name of "Richardson" should be erased from the pages of the "President's Messages."

Considering the popular and didactic purpose of his work, Mr. Foster may be criticised in the organization of his material. Too frequently it is scattered here and there, and tends to confuse one who would understand the logical significance of the facts. Following a chapter on "The Treaty of Peace and Independence" is a chapter entitled "Peace Under the Confederation," in which he uses some sixteen pages to describe further matters pertaining to the peace treaty and omits the details of our difficulties during that period with France

and Spain. The French attitude toward us during the revolution was highly paternalistic. Because of the treaty of permanent alliance she naturally expected this would continue, and she was not prepared to see us assert a position of equality. For six years she refused to negotiate a consular convention unless large powers were conferred on the consuls. Likewise she insisted on her right to try the man who assaulted Marbois in the streets of Philadelphia. This first and last of our "foreign entanglements" should receive careful consideration in any work on American diplomacy. The vexatious negotiations, under the confederation, with the Spanish respecting the navigation of the Mississippi are passed over with a sentence, and no mention is made of the principles of international law involved. Indeed, this suggests another fault in Mr. Foster's work in view of the purpose to which he dedicates it.

He constantly omits to suggest the general principles of international law involved in the controversies and often neglects the collateral facts of domestic and foreign history which are necessary to an intelligent understanding of the true situation. The party feeling in England on the negotiation of the treaty of independence is not discussed. The rivalry of Fox and Shelburne and the pique the former felt at the latter's elevation to prime minister on the death of Rockingham played an important part in making the peace treaty and the failure to make a commercial treaty. Shelburne's generosity was calculated to serve England as much as Fox's parsimony. Shelburne, as the disciple of Adam Smith, realized the value of a lively and harmonious trade with the west. Fox opposed a relaxation of the navigation acts in favor of the United States and pushed through Parliament an act empowering George III to establish such commercial relations as he deemed advisable. He selected the niggardly policy. Thus the great opportunity to establish peace between the two countries on a broad basis was thrown away and discord was sown which brought forth thirty years of strife and finally a war. States are sordid creatures whose motives invariably are self-preservation and selfish aggrandizement. We must not forget that the United States is no exception to the general rule. Therefore, where we find one state or a party within that state pursuing a liberal policy toward another, there is every reason for inquiry into the motives for that liberality.

Mr. Foster has striven to be fair in his estimate and discussion of men and international relations. Occasionally he has taken a too American view. Speaking of the treaty with the Netherlands in 1782, the author remarks that "the recognition of our independence by Holland though tardy, was most welcome." It is a well founded rule of international law that premature recognition of the independence

of a revolted province is a wrong to the parent state and amounts in its effect to an act of intervention. Hence great caution is exercised by third powers in granting recognition and unless policy interferes to prevent strict attention to law as in the treaty whereby France recognized the independence of the United States in 1778, recognition is seldom given, except where the circumstances set the propriety beyond all question. Mr. Foster neglects to say Holland was at war with England and that her early recognition of American independence by a treaty was merely an incident in her war policy. Certainly Holland was not "tardy" in view of the policy of non-intervention which has been consistently pursued by the United States so long as the contest was confined to the original parties.

Two or three references are made to the "advanced stage of international law early assumed by the American statesmen." He cites the treaty with Prussia negotiated by Franklin in 1785 as an example in which it was declared that no goods, not even munitions of war, shall "be deemed contraband, so as to induce confiscation or condemnation and loss of property to individuals." If munitions are captured and taken the treaty provided they should be paid for at their full value, "according to the current price at the place of destination," and if they are detained compensation must be made for such loss as is occasioned. Another clause exempted all merchant and trading vessels from molestation in time of war. Of course such clauses represent an "advanced stage of international law;" indeed, a mere prophecy, as yet unobserved by states in their relations and, therefore, not international law. Such philanthropic provisions were unobjectionable at the time because of the slight probability that Prussia and the United States would be brought into conflict. Later these high moral rules were changed to accord with the practices of states.

Mr. Foster, referring to the claim which the French nation had on the United States as an ally under the treaty of 1778, says: "It was held that the Revolution had destroyed the France with which the treaty of alliance was made, and that, under the circumstances there was no obligation resting on us to take part in her aggressive wars." The author might have stated in this connection an important principle of international law, announced about that time, which is now generally accepted as a basis for international conduct. Mr. Jefferson, when he defined the position of the United States as to the recognition of the republic proclaimed in France by the national convention, said in an instruction, "We surely cannot deny to any nation that right whereon our government is founded, that every one may govern itself according to whatever form it pleases, and change these forms at its own will; and that it may transact its business with foreign nations

through whatever organ it thinks proper, whether king, convention, assembly, committee, president, or anything else it may choose. The will of the nation is the only thing essential to be regarded." Washington's administration took the high ground that the true test of a government's title to recognition is not "the theoretical legitimacy of its origin," for foreign states must remain indifferent to the particular form of government under which a community may choose to place itself, "but the mere fact of its existence as the apparent exponent of the popular will."

Mr. Foster's book is remarkably free from errors of fact. Attention is called to the following: He says that the Jay treaty (p. 165) "provided for the settlement of certain differences by arbitration, one of the results of which was that the American merchants and shipowners received \$6,000,000, for damages suffered at the hands of British officials." Mr. Trumbull, one of the American arbitrators, writes that the "amount in dollars, allowing five dollars to the pound sterling, was \$11,650,000." Mr. Trumbull says, "This was the statement of Mr. Cabot (an assessor of the board) whose accuracy and knowledge of the subject were beyond all doubt."

Speaking of the X Y Z correspondence (p. 179) Mr. Foster falls into the common error of attributing the famous utterance, "millions for defence, but not one cent for tribute," to Mr. Pinckney. Historians have recently discovered that Mr. R. G. Harper, of Charleston, was the author of the speech. Mr. Pinckney himself confessed that the phrase "got fastened to him and he let it go."

Another error is found in the statement that in the Great Britain-Venezuela boundary dispute, "it was finally agreed that the whole territory in dispute should be submitted to arbitration." It was agreed that the arbitrators were to be governed by certain principles of international law; the first of which was "adverse holding or prescription during a period of fifty years shall make a good title."

A chapter is devoted to the history of "The Monroe Doctrine." Mr. Foster believes the Clayton-Bulwer treaty "marks the most serious mistake in our diplomatic history and is the single instance since its announcement in 1823 of a tacit disavowal or disregard of the Monroe Doctrine." He says that the treaty "was no sooner published than it began to be a source of dispute," and though he speaks of England's breach according to our interpretation, he does not suggest England's defence; nor does he state the final arrangement of the dispute which the United States "declared satisfactory." Thereby we waived our rights of voidability and gave it a new binding force.

The "Century of American Diplomacy" is a valuable contribution

to our historical literature and may be read by all with interest and profit, especially by the student and busy citizen for whom it was published.

GEORGE WINFIELD SCOTT.

Philadelphia.

Public Papers of George Clinton, First Governor of New York, 1777-1795—1801-1804. Vols. I, II, III. With an Introduction by HUGH HASTINGS, State Historian. Published by the State of New York. Wynkoop-Hallenbeck-Crawford Co., State Printers, New York and Albany, 1899-1900.

Students of American history have welcomed this series as a convenient repository of information upon the subject of the American Revolution. The value of the material is not questioned. Only the method and manner of its presentation need examination.

The first volume contains a lingering introduction, 189 pages in length. This preface is a curious medley of biography, bibliography, eulogy, controversy and history. The latter is a reckless patchwork of English, American and New York history, in which the name of Clinton appears at very rare intervals, presumably as a bond for all this heterogeneous material. Stress is placed upon unexpected things and in uncalled-for places. The intrusion of the school-book rhetoric about "the embattled farmers," "the shot heard round the world," and "Cæsar had his Brutus," makes us doubt the editor's power of inhibition and suggests a mania for rhetorical effect. The introduction does no harm, perhaps, but the essential part of it might have been condensed into twenty pages.

The history of the manuscripts is contained in the first paragraphs of the introduction. George Clinton was for forty-five years an aggressive public character. His correspondence was consequently large. He was in communication with all the prominent men of the American Revolution. In a later period he had an intimate friendship with all the pronounced federalists, though his activity was directed against the adoption of the federal constitution.

For these reasons the correspondence which has been preserved is of a most important character. The collection was purchased in 1853 by the legislature of New York. Twenty-five hundred dollars was paid for the twenty-three volumes of the Clinton papers, few of which were originals. Many were drafts or copies made by himself or his secretary. Later the collection was increased by a number of additional volumes. These were all calendared and arranged for publication by George W. Clinton, who made a report upon them in 1882. Copious extracts from this report are made in the introduction to this published series. The

vicissitudes of the pre-revolutionary records of New York are also recounted at length.

In the preface to the second volume the editor tells us that the scope of the work has been enlarged, and a departure made from the original plan. He states that many important letters and documents alluded to by Governor Clinton were not in the New York manuscript collection. Other records were therefore searched for material to make a consecutive story of the revolutionary war, as far as it related to New York State. The editor also confesses that liberties were taken with the manuscript collection such as were not taken in the preparation of the first volume. The manuscript collection was arranged according to date, and thus a letter and its answer were often separated. In the printed collection the letter and answer have been brought together in cases where the matter is of more than ordinary importance. Such cases have been still further elucidated by foot-notes. We are assured that special efforts have been made to compare such of the manuscript documents as are merely "copies" with the originals from which they were copied.

In addition to the text, there has been introduced a rather capricious selection of illustrations. Pictures of Clinton, Schuyler, Hamilton, Morris, Burgoyne, Gates, Lafayette, Jay, Steuben, Count de Grasse and Count d'Estaing are interspersed with maps of the Battle of Brooklyn, White Plains, Forts Clinton and Montgomery, the Hudson River in the Highlands and several maps illustrating Burgoyne's position at various stages of his campaign. There is also a useful calendar for the years 1775-78.

Any attempt to describe the material to be found in the three volumes is useless, because of the variety of subjects touched upon. The nature of the materials in the first two volumes is, however, largely military. The executive of the state was constantly applied to by various petty and some major officials for information and decisions to determine their action. To him came all the petitions for protection, for relief and exemption from laws which did not discriminate. In the third volume, civil rather than military documents preponderate. The last papers printed are dated in September of 1778.

The volumes are not indexed. We are not informed, but may suppose, that the index is to be published when the series is complete. It is to be regretted that the editor has chosen this plan, which was adopted with such grievous results by the editor of the "North Carolina Records." Instead of an index, we are given what the editor describes as a "detailed table of contents." This is, in fact, a list of the descriptive headings by which the editor has intended to indicate the contents of each letter or paper. In fact, however, these head-

ings rather furnish an opportunity for the exercise of a sort of editorial humor. The headings may be cheerful oases in the arid pages of historical documents, but they are rarely useful to the student.

The following headings surely indicate nothing for the purposes of research: "*A flash of private business.*" What business? "*A dash of civil affairs.*" What civil affairs? We must simply read to find out, just as we should have done if there had been no heading. Then why should we have head-lines which simply try to catch the eye, but inform no one? "*With a rinkel'd cockl'd knos.*"—" *Lieut. Connelly's description of Mr. Cantine and what led to and what followed it.*" With a lavish use of slang the editor does, at times indicate the contents, for example: "*Rounding up dispersed and disbanded militia.*" "*General Heath shy on news.*" "*Col. Hathorn nabs four Tories.*" "*Everything serene at West Point.*" When the editor describes letters in the bilious language of the yellow journal the demoralizing effect is complete. "*The General discredits the figures—and parenthetically disposes of Washington's great victory of Trenton in 43 words.*" "*Robert Erskine's distress—His stock of pigs diminishing,*" etc.

As a collection of historical material, the completed publication will be a most valuable contribution to American and New York history. In addition to these three volumes the first volume of the papers of Daniel D. Tompkins, Governor of New York, 1807-17, was issued in 1898, and in the course of time we are promised the papers of Sir William Johnson.

C. H. VAN TYNE.

Philadelphia.

A History of Political Parties in the United States. By JAMES H. HOPKINS. Pp. 577. Price, \$2.50. New York: G. P. Putnam's Sons, 1900.

As indicated in its sub-title, this book purports to be an account of political parties in the United States since the foundation of the government, together with a consideration of the conditions attending their formation and development. In the four appendices are given reprints of the several party platforms, and the Kentucky and Virginia Resolutions of 1798, as well as statistics of the popular vote in the various states at the four presidential elections, 1884-96.

Over half the book is devoted to these appendices, giving material which can be found elsewhere, but which may properly be placed at the service of those who read a study of the development of parties. The first national party platform—that of the National Republicans in 1832—does not appear. Its absence is due to the same indifference

to essential facts touching party development which permits the author to dismiss the convention system with eighteen lines. The change from caucus to convention after Jackson's time is said to have been "radical and important." The "action of conventions was generally accepted as having the binding force of statute law," being henceforth "received with as ready acceptance, within their limits, as the Thirty-nine Articles or the Westminster Catechism. Loyalty to party has been demanded, as but slightly, if at all, less obligatory than allegiance to the government." Yet one does not find the explanation of the origin of the convention.

The book teems with inaccuracies of statement and inference which raise suspicions as to the author's familiarity with even the better secondary histories. For instance, the reasons for the "Bank Veto" are said to have been that Jackson was "adversely convinced upon all points," viz., "the solvency of the bank, as well as of its prudent and honest management; and this without reference to the validity of its charter." (P. 49.) Later (p. 55) appears the statement that the great Democratic apostle was zealous in upholding a protective tariff. The evidence produced was "the mighty oath," by which the threat to hang Calhoun was uttered. The great Compromise of 1833 is dismissed with barely three lines. The depression of 1837 is described as an "artificial panic;" the depression of 1857 is not mentioned; the People's Party is said to be a combination of the Greenback and Labor parties, with no apparent cause for existence, etc.

As a whole the work is rather a chronological table than a history. It certainly does not consider adequately the conditions attending the formation and development of the party system in the United States. The workmanship is hasty and deficient both in form and in analysis. The student of political science needs information in regard to the causes of the party system, the forces which have directed its growth and the machinery by which its functions are exercised. Such information is not contained in the book under review which adds little or nothing to statements formerly published. On the contrary, because of the lack of an adequate arrangement, some unreasonable prejudices are accentuated.

WILLIAM H. ALLEN.

University of Pennsylvania.

Die Wohnungsnot und Wohnungsreform in England. By DR. FELIX VON OPPENHEIMER. Pp. viii, 167. Price, 4 m. Leipzig: Duncker und Humblot, 1900.

The movement for the improvement of the housing conditions of the poor has continued almost twenty years in Germany, and consid-

erable has been accomplished there in the way of legislation, the construction of improved tenements, and education. During this time Austria has remained almost unaffected by the agitation at her side, although her capital city has time and again been shown to harbor frightful conditions. The publication, by an official in Vienna, of a description of English experience in reforming the domiciliary conditions of that country, seems to betoken the beginning of an awakened and enlightened interest in this question. Like so many of his fellow countrymen Dr. Oppenheimer has turned to England as the pioneer in the settlement of this momentous problem.

Although a number of books on the same subject have already been published in German this one finds its justification, if such is needed, in that it brings the story of England's experience down to date. But certainly the importance of the subject is more than enough to justify all such publications. Lord Shaftesbury, the greatest of English reformers in this field, after half a century of effort for social betterment, said: "I am certain that I speak the truth, and a truth which can be confirmed by the testimony of all . . . who are conversant with the working class, that until their domiciliary conditions are Christianized (I can use no less forcible term) all hope of moral or social improvement is utterly in vain." Bad housing conditions affect all phases of the social problem.

After stating briefly the causes of the *Wohnungsnot*, which causes he conceives to be primarily the English lease-system and the tearing down of old houses either for railway construction or municipal improvements, Dr. Oppenheimer turns to a consideration of the attempts at reform. The history of legislation specifically directed against domiciliary evils is briefly sketched down to the London Government Act of 1899. The practical attempts at reform made by the various English municipalities are also described. Model tenements and such educational movements as Miss Octavia Hill's plan of rent collecting are given a chapter, while another is devoted to municipal lodging-houses. Municipal lodgings are found to be undesirable on the whole; in this respect the experience of the English municipalities has not differed from that of some of our American cities.

The measures described by the author in the first part of the book are calculated in the main to improve existing dwellings. They are clearly insufficient. The more serious evils can be met only by increasing the number of tenements or decreasing the number of tenement-house dwellers. This latter is the ideal of Dr. Oppenheimer, as it is of nearly all social reformers. The author accordingly treats of "Decentralization and the Railways" in the last chapter of his book, and advocates cheap rapid transit as the best solution. He, however,

offers no further suggestions or remedies of his own. In fact, the book is throughout without originality. While it forms a careful and intelligent sketch of English legislative experience in dealing with the housing problem, it contains nothing new. Nor does it appear from the volume that the author ever saw the inside of one of the tenements that are the subject of his discussions. The question is viewed wholly from the administrative and bureaucratic standpoint. The chief merit of the book lies in the fact that it gives the reader a concise, connected account of all English legislation down to date. But its purpose—that of arousing a careless people to an intelligent interest in improved housing—must excuse any shortcomings in the book itself.

E. L. BOGART.

Oberlin College.

Elementary Physical Geography. By JACQUES W. REDWAY. Pp. vi, 383. New York: Charles Scribner's Sons, 1900.

Taschen Atlas. By HERMANN HABENICHT. Pp. 68. Price, M. 2.40. Gotha: Justus Perthes, 1899.

Reader in Physical Geography. By RICHARD E. DODGE. Pp. ix, 237. Price, 70 cents. New York: Longmans, Green & Co., 1900.

Mr. Redway's book is most disappointing. It enters the field against modern texts, written by men who have helped to establish the new science of Physiography, and whose work in elementary textbooks is constructive and thorough. The author has not been in this goodly company, and does not realize the significance of the revolution which has put the old static geography forever on the shelf. He has evidently done some reading in the new work, but his notions are hazy, and one is impressed at every turn with the fact that here is a geographer out of the old school of our fathers, attempting to adapt himself to the new teaching and making a lamentable failure of it. There are blunders by scores, in fact or by implication, and the list is increased in the diagrams and illustrations. The whole treatment of the River Valley is a pitiful failure. Mr. Redway's discerning friends can only regret that this volume was ever allowed to appear in print.

Every reader and lover of fine maps will be glad to know of a series of little atlases issued by the well-known firm of Justus Perthes, of Gotha. They are just the right size for the pocket, and are marvels of neatness and completeness. There are at present five volumes in the series, selling at about M 2 40 apiece, the titles being as follows: "*Taschen Atlas*," "*See-Atlas*," "*Geschichts-Atlas*," "*Atlas Antiquus*," and "*Staatsbuerger Atlas*."

The "*Taschen Atlas*" covers about the field of our ordinary atlas.

It has twenty-two pages of maps by the famous geographer Habernicht, and is supplemented by sixty pages of geographic statistics, brought down to date by H. Wichmann.

The maps are copper engravings of the highest artistic quality, and most exquisitely printed on the finest plate paper. The workmanship puts to blush anything ever brought out in this country. For fineness of line, accuracy of detail, mass of data entered, and for beauty of coloring, these maps are unsurpassed in atlases of any size.

The point of view in the presentation of geography has been materially changed in recent years, owing to the splendid work done in the study of the evolution of land forms and the consequent rise of the science of Physiography. This makes geography dynamic in contrast to the static conceptions of the science in the past. More and more the forces at work in physiography are seen to be ever present factors in shaping the course of human events, economic and historic. The new point of view is slowly coming into our education and our literature. The latest comer is a "Reader in Physical Geography," by Professor Richard E. Dodge. It is a book for beginners, intelligently written, and will make good reading for the laity in other lines, who wish to know the way in which a physiographer looks at his problems.

J. PAUL GOODE.

Philadelphia.

Social Justice. A Critical Essay. By WESTEL WOODBURY WILLOUGHBY, Ph. D. Pp. xii, 385. Price, \$3.00. New York: The Macmillan Company, 1900.

The endeavor of Dr. Willoughby is to bring to the analysis of the concepts underlying our modern industrial and legal system the assistance of transcendental principles. The touchstone of the modern system is contained in the question, Is it just? The problem of social justice presents itself to the author as being concerned with (1) the proper distribution of economic goods; (2) the harmonizing of the principles of liberty and law, of freedom and coercion.

At the outset of his inquiry the author is concerned with the nature of the rights involved. He discards the antique lumber of natural rights and recognizes rights as relative. Since rights are relative it follows that the standards of social justice are to be obtained not from introspection, but from a study of social conditions. Of necessity his study of social conditions lays special stress on the economic phase. He considers the ideals of equality under the various headings of spiritual, natural, civil, political, social and economic. He finds that in the case of economic equality, as in the case of the other ideals that

have been advanced, there is an inherent fallacy and that the true principle of distributive justice is to be found in the idea of proportionality—"the proportioning of rewards in each particular case according to some ascertainable conditions of time, place or person." The next problem attacked is that of the justification for the existence of property. Here the sum of the investigation is that expediency is the final criterion. The author does not believe in the distinction between distributive and corrective justice. Justice is concerned with desert, and all justice is distributive. In discussing the right of coercion exerted by society he finds its justification in social expediency. The chapter on punitive justice discusses the various theories—retributive, deterrent, preventive and reformatory. The retributive theory he wholly rejects. This theory predicates an exactness of knowledge with reference to the moral responsibility of the individual which is beyond the scope of any tribunal. Then again the theories of modern criminal sociology still further put the theory out of court, since they confront us with an instinctively criminal type. The other theories—deterrent, preventive and reformatory—so interact in practice that it is difficult to disentangle them.

The summing up of the matter is that the criterion of the justice of an existing institution is to be found in its social utility.

The work is not concerned with the development of theoretic principles alone. The author has in mind throughout the testing of his conclusions in the light of experience. It will at once appear that the position he occupies with reference to the relativity of rights is opposed to the acceptance of the tenets of those systems which, like socialism and the individualistic Georgian doctrine, predicate the existence of a body of natural rights. As regards state interference the author occupies a position of broadminded individualism. He is of opinion that the development of society will, of necessity, bring with it a constant increase of the scope of educational and regulative functions. The analysis of justice is not without its word on the great question of to-day; for it tells us that "it lies within the legitimate province of an enlightened nation to compel—if compulsion be the only and the best means available—the less civilized races to enter into that better social and political life, the advantage of which their own ignorance either prevents them from seeing, or securing if seen."

In the analysis of the author social expediency furnishes the criterion of existing systems. But there is also introduced the complexity of a duality of standard which is not essential. While social expediency is accepted as the test it is also stated that the existence of the state is justifiable only in so far as it assists in the development of our

best selves. There is no necessary antagonism in these positions; but the author's treatment suggests an antagonism. Speaking in another connection he says that the legislator is concerned not only with acts which are socially inexpedient but also with those which are considered wicked when judged by his moral canons. But is it not true that the individual's conception of right and of wrong is an outcome of environmental conditions, and would it not also be true that in legislating on what may, on the face of it, appeal to him as *mala in se* the lawmaker is in reality acting upon a conception which has become his through constant social accretions? The method of the author suggests that the transcendental analysis of the aims of the state gives the higher ideal and points out the way in which alone our best selves can be realized. But may it not also be claimed that the evolutionary point of view suggests that ideals are being moulded and reformed, not by the objective physical environment alone, as the author in his discussion of the evolutionary point of view would seem to suggest, but also through the influence of a psychical environment as well? In other words, is the ideal of a high conception of personality incompatible with the evolutionary system? While the author finds that rights are relative to conditions, he introduces into his analysis the conception of an abstract right, an abstract principle concerned with "right actions . . . (which) . . . are founded ultimately upon eternal principles of morality flowing from the essential character of the Divine reason." But if we look for the universality which this transcendental phrase would predicate do we not find that the ideas of right and of wrong vary from age to age, from clime to clime, and that the principles of right and of wrong which survive are those which have social utility and are in harmony with social expediency. giving to the word expediency that broad sense it must have throughout the discussion?

SIMON J. McLEAN.

University of Arkansas.

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NOTES.

I. MUNICIPAL GOVERNMENT.

Instruction in Municipal Government and Its Betterment.—

In practical politics the American citizen overlooks the complex nature of his citizenship. In theory he is expected to determine consciously and intelligently the character of administration in some eight or more distinct governmental units. At different times the hypothetical citizen is to concentrate his patriotism and his interest upon each separate unit in its turn. In theory he is to consult the needs of each division irrespective of any other divisions, except as there is by law an organic relation. He is to have in his mind and heart a place for each unit as distinct as the sharp geographical line between precinct, ward, city, legislative division, county, congressional district, state, United States. In theory election judges are chosen to guarantee a pure ballot and an honest count; city officers consult only the local needs of the city; state officers concern themselves with essentially state problems; while only national officers are chosen because of national political leanings.

In practice, however, the American knows for the most part but one citizenship. He is an American and only an American, and as such, chooses for every office the man who holds the right views with reference to national policies. Accordingly, we have Republican and Democratic nominees for school director, assessor, treasurer, mayor and state executive, notwithstanding the utter absence of any essential point of contact between the functions of local, state and national offices. The reason for this anomalous situation is found in the exigencies of the national political party. In the absence of organized resistance to this universal tendency to confuse national, state and local issues, it will continue, for it has the organized support of all national parties, whether republican, democratic, prohibitionist or socialist.

Attempts have been made to cry this confusion out of existence, or to eliminate it by revealing the corruption and poor government incident to it. Again it was sought to cripple the national organization which encouraged the confusion by taking away patronage or spoils and establishing civil service commissions. Lastly and with greater success, organization was met by organization, and civic organizations in all parts of the country undertook to isolate city from national

patriotism to correspond with the isolation of essential interests. These citizens' leagues multiplied, until now they number nearly five hundred. League conferred with league, whence arose the state and national conventions of non-partisan citizens' clubs. Journals were established to represent the new movement, until to-day we have various monthly and bi-monthly magazines devoted exclusively to municipal problems, while others have special departments of municipal notes.

Independent municipal organizations have encountered not only the opposition of organized national parties, but also the apathy of the citizen. To counteract these two factors, there seems no recourse but painstaking education. At the present time it would seem that the various educational agents are not serving sufficiently to aid the movement to give to municipal matters a concentrated attention independent of national party lines. The various journals published by municipal leagues circulate, for the most part, rather among allies than among possible recruits. The daily press is with difficulty won over to the support of independent candidates. Likewise the textbooks, in harmony with past political traditions, cater to an interest in national government, to the partial if not total exclusion of municipal problems.

Realizing this and appreciating the importance of enlisting the forces of education in the cause of municipal betterment, the National Municipal League has instituted an inquiry into the extent of instruction in municipal government and its betterment. A committee was appointed, consisting of the secretary of the National Municipal League and representatives of departments in political science in six educational institutions.¹ President Thomas M. Drown, of Lehigh University, is chairman of this committee, and Dr. William H. Allen, of the University of Pennsylvania, is secretary. Professor John L. Stewart, of Lehigh University has been added to the committee.

Manifestly the first work of the committee should be the collection of facts with reference to present courses of instruction in municipal government and its betterment. Wherever such courses are given, the co-operation of the instructors will be requested, in order that the lessons of practical experience may be disseminated. It will require a considerable period of time to secure answers to the personal letters which will be sent to every college in the country. The classification of the data received and the compilation of results will also entail a great deal of labor. Of great importance should be the tabulated results, independent of the collateral reports and recommendations which may be expected from the com-

¹ ANNALS, January, 1901, p. 147.

mittee. By the dissemination of the report among the colleges, the cause of education as well as of municipal progress should be greatly advanced.

Buffalo.¹—*State Legislation.* Three measures affecting the city of Buffalo have been presented in the legislature at this session. One abolishes the Board of Public Works, which consists at present of three members, two appointed by the mayor and the third elected by the people. The two appointive members must be of different political parties. The proposed bill substitutes for these three commissioners a single commissioner elected by the people, who will have power to appoint two deputies. It is doubtful whether this measure will effect much economy in public expenditures, but it will at least concentrate responsibility. There seems to be no very serious opposition to it and it will probably become a law.

A second measure substitutes a single police commissioner for the present board of police commissioners, which consists of the mayor, *ex officio*, and two other members appointed by him. The single commissioner is to be appointed by the mayor, but may be removed summarily either by him or by the governor of the state, and a commissioner removed by the governor is made ineligible for reappointment by the mayor. There is a general belief in the public mind that the police force of Buffalo has become corrupt, and that there is no hope of a change for the better under the present management. Gambling dens are believed to be tolerated, if not protected, and officers high in rank who commit offences against public decency are "whitewashed" and retained in office. Most men, therefore, approve the proposed measure on the ground that it furnishes the only way out of the present situation, that it will concentrate power and responsibility, as does the bill first mentioned, and that its results cannot at any rate be worse than the existing state of things.

The most objectionable feature of this bill is the clause giving the governor the power of removal. This practically makes him the appointing power, is said to be a glaring violation of the principle of home rule for cities, and a long step toward that centralization of power at the state capital which is ever viewed with alarm. The advocates of home rule insist that the citizens of every community, great and small, should be compelled to lie in beds of their own making and to work out their own salvation. Without this clause there would probably be very little opposition to the bill, and it is but fair to say that there are some who think the clause in question will do very little if any harm. The objection that the bill is a "partisan grab" has been cunningly disarmed by providing that the present mayor (who is a Democrat,

¹ Contributed by A. C. Richardson, Esq.

while the legislature is Republican) shall appoint the first commissioner.

The third bill referred to proposes to establish a bureau of elections, consisting of a commissioner and a deputy, with the necessary force of clerks and assistants, who are to have entire charge of preparing for primaries and elections and the custody of primary records. As this work has been done for the last ten years to everybody's satisfaction by the city and county clerks and their subordinates, the proposed bill is criticised as a palpable attempt to provide places and salaries at public expense for a couple of party workers. It does not seem to be necessary, has not a single friend and will probably not be pressed seriously.

Pittsburg.¹—*State Legislation.* There is great activity at present in devising new charter legislation for Pittsburg. The situation is complicated by the fact that any legislation passed for it must also apply to Allegheny and Scranton, which are also cities of the second class. At present the charter for cities of that class gives very little authority to the mayor. The heads of municipal departments are elected by councils for five year terms, and while nominally they are subject to the supervision of the mayor, he has practically no control over them. A new charter is proposed in an act introduced by Senator Muehlbronner, of Allegheny, which centres responsibility in the mayor's office and provides that the heads of departments shall be appointed by him and shall be removable by him. Heated controversy has been excited by a portion of the act which legislates the present mayors out of office and provides that appointees of the governor shall fill the vacancies. His appointees are to hold office until the municipal election in 1903, and these appointed mayors shall have complete power to fill all offices and employments in the executive department, whereas in the regular operation of the charter the mayor's appointments shall be subject to confirmation by the select branch of councils. The reason urged in behalf of this extraordinary provision is that it is necessary to get the new form of government fairly started.

Under the new charter the select branch will be elected from the city at large on a general ticket and it is hoped that in this way a body of higher character will be obtained than exists at present. Select councilmen are to be elected for a term of four years, but it is so arranged that only about one-half will be elected at any one time, the other half holding over. The mayor is to be elected for a term of three years, and common councilmen, who alone are to be chosen by wards, will serve for a term of two years. The act provides for the

¹ Contributed by Henry Jones Ford, Pittsburg.

adoption of civil service regulations and contains various other requirements intended to promote good administration.

Baltimore.—*State Legislation.* In the course of ordinary events the Maryland legislature would not convene until 1902. An extra session has been called by the governor in response to party demands from two quarters. The city leaders strongly urge sewerage legislation for Baltimore. The state leaders wish a state census for the purpose of redetermining the representation of the different counties in the House of Delegates, upon the ground that the national census was packed in order to wipe out Democratic majorities in certain counties. It is also proposed to amend the present ballot law, the main object being to disfranchise the negro, but without the saving conditions of Mississippi, Georgia and South Carolina. The people of Baltimore are not disposed to question the motives of party leaders in calling an extra session provided that a sewerage system will be made possible.

It is not generally known that the city of Baltimore is entirely without any adequate method of caring for house refuse. The prevailing method is by cesspools in a majority of cases and by private sewer pipes which, without exception, empty their contents into the harbor of the city, or the "Basin" as it is popularly known. This has naturally created conditions which are being more and more realized as hazardous to the health of the community. The principal business interests of the city are adjacent and in proximity to the water front at the basin. The basin being at the head of tide water has no current, and solid matter carried down Jones' Falls deposits itself in the form of a delta at its mouth. The basin has become a pot of corruption and during the heated summer season the effect upon even the least fastidious is nauseating.

The present mayor of Baltimore, whose administration of municipal affairs stands out in attractive contrast to many that have gone before, has pledged himself to the construction of complete and adequate house sewers and has stated that if an extra session of the legislature is held, he will insist upon the passage of an enabling act authorizing the city to issue its credit to an amount necessary for the purpose.

This in brief, is the present situation: There have been two reports made by a municipal sewerage commission assisted by scientific investigation, in both of which reports the main question of the necessity for sewers is strongly urged; they differ only as to the manner of disposing of the refuse so as to be unobjectionable to the people of both city and state. The conclusions of these two reports are generally acceptable to the administration and to the public, the press of the city being specially importunate to have an early beginning of the work. In general it may be stated that the cost of the proposed

system will be between seventeen and twenty millions of dollars. While this amount may seem very large, yet, when it is considered that it means a complete system of trunk, lateral and intercepting sewers, not to speak of the great number of connections into houses, for a city having between five and six hundred thousand inhabitants, with an estimated additional capacity for increase up to one million, the per capita cost is not extravagant. The public of Baltimore itself is in reality responsible for the large cost. From time to time the construction of sewers has been postponed, while at the same time valuable franchises have been granted by the municipality for occupation of the streets' sub-surface until low cost construction of any character is impossible.

The plan now being discussed contemplates, within the expenditure of the above stated amount, to repave the streets which will be torn up for sewers, with improved material from curb to curb. An early solution of the double problem depends upon securing authority from the legislature necessary to the issuing of a loan for the purpose before the details can be determined.

New Orleans.¹—Local municipal government has for many years been guaranteed to the people of New Orleans by the state constitution. The members of the legislature from other parts of the state have never forced on New Orleans legislation opposed by the members elected by the people of the city. There is no central state authority or control over local policies, local taxation or local administration except that the state constitution limits the rate of *ad valorem* tax on property for alimony to ten mills, for interest on debt to ten mills, for interest on water and sewage bonds to two mills. The assessors to list and value property are appointed by the governor and the assessment or valuation for state purposes is used for municipal taxation. The city is prohibited from imposing a license or occupation tax (which must be graded) greater than that which the state imposes. It may impose a smaller tax but it has never failed to impose the maximum. A state board of appraisers assess or value property of railway, telegraph, telephone, sleeping car and express companies.

The governor appoints a part of the local school board, the majority of whose members, however, being appointed by the city council. The following boards are created by acts of the state legislature: The police board, fire board, drainage commission, sewerage and water board, board of liquidation of city debt, levee board and board of health. The members of these boards, however, are chosen by the mayor or the city council, generally by the city council. The latter has a check on the action of all the boards, in that it distributes the

¹ Contributed by B. R. Forman, Esq., New Orleans.

money to each. Two exceptions are the levee board, which has a special fund, and the board of liquidation of city debt. Thus it will be seen that the central state power in municipal affairs is very small, practically nothing as a legal power. It sometimes exerts political or moral influence through pressure on local politicians.

Cleveland.¹—*Street Railway Franchises.* The street railways of Cleveland are owned by two different companies, the Cleveland Electric Railway Company and the Cleveland City Railway Company. The former has about 100 miles of tracks in and out of the city; the latter about eighty miles in and out. The franchises of the first company have an average life of about fourteen years; those of the latter about eight years. A number of attempts have been made during the past five years by one or both companies to secure a renewal of their franchises for twenty-five years, the period fixed by statute. During the present mayor's term of office the Cleveland City Railway Company has been persistently endeavoring to secure the passage of an ordinance that would extend its franchises. December last the Board of Control, which consists of the mayor and the heads of departments, and which, under Cleveland's "federal plan," passes on public measures of this kind in conjunction with the city council, reported favorably upon an ordinance drafted by the law department of the city granting renewal of contracts.

The chamber of commerce, which is the strongest civic body in Cleveland, asked permission to consider the ordinance whereupon the mayor referred it to that organization for consideration. The ordinance was received by the chamber of commerce and referred to a special committee of five which was to report upon: (1) the advisability of renewing the franchises of the Cleveland City Railway Company eight years in advance of the expiration, (2) whether the terms of compensation are sufficient, (3) whether the ordinance is satisfactory with regard to the safeguarding of the city's interests in its relations with the company. The special committee has had the ordinance under consideration for the past six weeks and during that time it has given a hearing to citizens, railway officials and others interested in the subject and is at present writing preparing a report for the chamber. The term of the mayor expires in April, the present city council is disposed favorably towards the street railway companies, and the chances seem to be very largely in favor of the acceptance and passage of the ordinance. It is generally conceded that if the Cleveland City Railway Company secures the passage of this ordinance that the Cleveland Electric Railway Company will ask for and be granted

¹Contributed by M. A. Fanning, Esq., Cleveland.

a similar piece of legislation, as there will be no reason for granting the one application and refusing the other.

The concessions contained in the proposed ordinance are summarized as follows :

Universal transfers. Retransfers from Willson avenue (crosstown line) to its own lines. Six tickets for a quarter for the first twelve years. Seven tickets for a quarter for the last thirteen years. Option of making several down town streets free territory. The city is to be paid percentages of the gross receipts as follows : Two per cent for eight years, three per cent for the next six years, four per cent for the following six years, and five per cent for the last five years of the franchise.

The company is required : To pay half the city's share of abolishing grade crossings along its lines. To file cost of future extensions with the city clerk. To pave sixteen feet of the streets traversed by its lines. To furnish power for operating all the drawbridges on its lines. To file a list of stockholders, whenever required by the mayor, with the city clerk. To dedicate a thirty-foot roadway from its private right of way east from Hough avenue to Wade park to the city for a street. To sprinkle all its tracks, and to comply with the usual requirements regarding construction, maintenance of its lines, etc. Operation of suburban cars the city permits, but it reserves the right to regulate in every respect.

The ordinance is conceded to contain all the safeguards that the city has asked, which are not in the existing ordinances, and the chief feature of discussion is the terms of compensation. Of course there are many people who do not believe that the subject of renewal should be taken up until the expiration of the present franchises, when, they believe, there will be little difficulty in securing every advantage in arrangements for the future. Among these are the advocates of municipal ownership of street railways, but especially the wage-earners who are of the opinion that better terms can be secured from the companies or from other companies, when the existing contracts expire, than can be obtained now. However, many are of the belief that the franchise question should be settled as soon as possible, and that it is better to make new arrangements now and enjoy the benefits of them during the next eight years than to postpone the settlement of the question and run the danger of having a corrupt city council pass a measure, by no means so advantageous, at some time when the people are not prepared to resist it. It is generally conceded that the action of the special committee of the chamber of commerce will determine the fate of the ordinance. If this committee reports against the renewal of franchises at this time it is not likely that the

ordinance will be pressed for passage. If, on the other hand, the report is in favor of renewing the contracts now, it will give sufficient color of public sentiment to enable the railway company to press the ordinance through the council.

Cincinnati.¹—Since last summer several questions of vital importance have interested the citizens of Cincinnati.

(1) An investigation of the accounts of the deceased clerk of the Board of Education revealed a shortage of nearly \$200,000, a sum collected for tuition of non-resident pupils. The clerk was well known and had always been looked upon as a trusted employee. The school board funds must be deposited with the city treasurer and can be withdrawn only by proper voucher. The clerk neglected to turn over to the treasurer the amount collected by him as tuition, forged the treasurer's name to receipts, and the annual auditing committee of the Board of Education neglected to compare the clerk's books with those of the treasurer. Hereafter, it is needless to add, the auditing committee will examine all books.

(2) The present lease of the Cincinnati Southern Railway, a road 335 miles in length, running between Cincinnati and Chattanooga, and owned by the City of Cincinnati, will expire in 1906; at present, the lessee company pays an annual rent of \$1,250,000. The immediate question confronting the trustees is whether to grant a new lease to the present company and upon what terms. A proposition recently submitted to the lessee company has been rejected by it. Public opinion is at present divided between the advisability of granting an extension to the present company now, or waiting until later. A large part of the community is in favor of a sale of the road, thus relieving the city from its anomalous position as owner of a railway, which it may have to operate at a loss. The general public, however, will not have an opportunity to express its opinion until November, 1901, at which time any agreement for a lease must be submitted for the approval of the people.

(3) The credit of the city is as high, if not higher, than that of any city in the country. In one week \$1,000,000 3 per cent water works bonds were sold at a premium which put the issue on a 2.84 basis. During the time the money realized from this sale is idle it will draw 2 per cent interest from banks designated as city depositaries. Certainly this shows the excellent financial condition of the city.

The legislature will not be in session this winter, so there can be no legislation affecting the city.

Washington, D. C.²—The two most important events in the municipal affairs of the capital during the centennial year are the creation

¹ Contributed by Max B. May, Esq., Cincinnati.

² Contributed by Clinton Rogers Woodruff, Philadelphia.

of a Board of Education and a Board of Charities. They were provided by acts of Congress.

The Board of Education was created as the result of an investigation by the Senate Committee on the District of Columbia in order to improve the administration of the public schools, which was defective. The act of Congress collects in the Board of Education the diffused authority formerly entrusted to the Board of Trustees of the Public Schools and the Superintendent of Public Schools, and gives the board absolute administrative control under the Commissioners of the District of Columbia, who are authorized to appoint the board. It was appointed on the first of July, and has already made the changes necessary to improving the school system and restoring its management to the confidence of the community. The board is made up of some of our best citizens, white and colored, with the president of one of our two principal trust companies as its president, a man who has heretofore declined all public office. The members of the board receive \$10 fees for each meeting attended, not to exceed in all \$500 per year.

The Board of Charities was intended by Congress to bring into coherent system the numerous charitable institutions supported, in whole or in part, by public funds, and for which Congress appropriates, out of the Federal and District moneys, about seven hundred and fifty thousand dollars a year. They needed to be co-ordinated and kept under a central board having the power to supervise and inspect. The act of Congress authorizes the President to appoint five persons not connected with the institutions, and he appointed an admirable board on the first of July. Its personnel is like that of the Board of Education. As there was no such urgency in its case it is taking more time to plan its work, but the character of the members and their acquaintance with the subject, together with the selection of an expert secretary, a well-known member of the International Conference of Charities and Corrections, promise much for the city.

Voting Machines in Municipal Elections.—Considerable interest is being manifested throughout the country in the successful conduction of elections by voting machines. Several voting machines have recently been used with marked success, in some twenty-five cities in New York State, and at Northampton, Massachusetts. In New York State 377 machines were used, with a total vote of 350,000.¹ Last year was the first time they have ever been used in a presidential election.

In Buffalo when once properly started they worked all day without breakdown, hitch or trouble of any kind. The voting was exceedingly rapid, the rates varying from 80 to 150 an hour. At one place

¹ See ANNALS, vol. xvi, No. 3. pp. 139.

nine men voted in two minutes, and two of them declared that they had "split" their tickets. In eleven districts over 800 were registered, the three largest numbers being 872, 877 and 893. Yet every man who presented himself had plenty of time to vote, and there were parts of the day during which the machines were idle. Of the 66,600 voters in the city, 44,910, or about 70 per cent, had voted by noon, the polls having opened at 6 a. m. The polls closed at 5 o'clock.

The speed record of last year was far surpassed in the reception of the returns. The polls closed at 5 p. m., and shortly before that time a swift bicycle rider reported at every polling place, with a label on his machine which gave him the right of way over everything in the street and permission to make his utmost speed. In less than five minutes after the polls closed full returns from every district were on their way to the city hall, where the first one arrived at four and a half minutes past five. By half-past five returns had come in from 107 out of 108 districts, and the general result in the city was known. The rider from the missing district had lost his return and had to go back for another copy; but the lost paper was found on the street later and sent in by the police. The entire vote of the city for all candidates was printed in the evening papers by 7.30 p. m., and could have been out an hour sooner but for the accident above mentioned. The results, in all places where the voting machines were used, were placed at once on the wires of the Associated Press and the Bell Telephone Company, and were communicated to both presidential candidates before six o'clock. It is instructive to compare this work with that of the year 1896, when it took *eight hours and thirty minutes* to finish and file the returns from Buffalo!

The first and commonest objection to voting machines is that they foster "straight" voting; and one would expect this objection, if well founded, to be strongly confirmed in a presidential election, as that is the time when party spirit is supposed to be strongest. But the results in Buffalo show that it is entirely without foundation. All but two of the Republican candidates carried the city; but their pluralities varied greatly, as the following examples show: state controller, 5,760; president, 2,912; governor, 2,090; lieutenant-governor, 1,692. Further, one Republican candidate for Congress, whose district lies wholly in the city, was defeated, his Democratic opponent receiving a plurality of 380. It is evident, therefore, that when voting machines are used the people both can and do "split" their ballots just as freely and easily as with paper ballots.

After these two trials, no man in Buffalo has any doubt that the machine system of voting is the best that has yet been devised. It is fair, rapid, accurate, economical, and as nearly fraud-proof as it is possible

for any human device to be. The first and absolutely necessary step in all reform is to make sure that every election is an honest one—is a real expression of the people's will—and this the voting machine does without any uncertainty whatever. This feature alone is worth many times the cost of the machines, but it is not their only merit. The name of every candidate nominated appears plainly before the eye of the voter, where he cannot help seeing it, and all candidates are on exactly the same footing, because it is just as easy to move one indicator as another.

At *Northampton* (Mass.) seven machines were used, averaging about 450 votes to the machine. The number of blank votes was decreased at least 50 per cent as compared with those of 1896. *Cleveland* (Ohio) voted by majority of 5,000 for the adoption of the voting machine. Although the legislation of 1900 made it possible for cities of Ohio to adopt the voting machine, Cleveland alone voted on the proposition. Now that Cleveland has adopted the machine plan of voting there is little doubt but that other cities will follow.¹ *Ithaca* (N. Y.) has used the machines in three elections. The city clerk estimates that in polling 2,800 votes the machine saves the city about \$500 a year by dispensing with the services of election officers and by saving printing expenses. At the last election the results of the city's vote were made known in about fifteen minutes after the closing of the polls.

Chicago reformers are considering the introduction of the voting machine, and a Chicago alderman recently published an earnest appeal for machine voting. Reports from Idaho indicate that a proposition is to be made to the Idaho Legislature to introduce machines in that state. A test election at the University of Pennsylvania, at which 902 students voted with the Standard Voting Machine, has aroused not a little enthusiasm for machine voting in the State of Pennsylvania. The result was counted and recorded in one minute and a half after the close of the polls, in striking contrast to the tardiness of the count at the Philadelphia presidential election the following week. The Pennsylvania press gave considerable space to the discussion of machine voting, which, it will be remembered, is part of the ballot reform program to be acted upon by the present legislature.

¹ The portion relating to Buffalo was contributed by A. C. Richardson, Esq., Buffalo, N. Y.

II. THEORETICAL SOCIOLOGY.

The Origin of Totemism.¹—The facts in regard to totemism presented by Messrs. Spencer and Gillen, in their thorough and comprehensive treatise upon the customs of the native tribes of Central Australia were at once seen to cast light upon the origin of that remarkable institution of savage society. In articles published in the "Fortnightly Review" for April and May, 1899, Mr. J. G. Frazier marshaled those facts as proof that "the totem clans are essentially bands of magicians charged with the duty of controlling and directing the various departments of nature for the good of man." He reached the conclusion that totemism is "primarily an organized and co-operative system of magic designed to secure for the members of the community, on the one hand, a plentiful supply of all the commodities of which they stand in need, and on the other hand, immunity from all the perils and dangers to which man is exposed in his struggles with nature."

This conclusion appears to have met with general acceptance, and it has not perhaps been sufficiently observed that the facts collected from the study of the Australian aborigines afford a more simplified explanation of the origin of totemism, and at the same time make plain the greatest mystery involved by it—the belief that the totem was the progenitor of the clan, and that direct ties of kinship exist between the totem and the totem clan. It may be remembered that Herbert Spencer found this a difficult problem, and in his essay upon "The Origin of Animal Worship" he argues, as the most satisfactory hypothesis, that the idea of kinship began in the use of nicknames whose metaphorical significance was gradually forgotten so that a common designation for men and brutes led eventually to the assumption of kinship between them. Thus, to use Mr. Spencer's own illustration, a warrior whose method and prowess caused him to be named "the Wolf," might leave progeny who would be known as the Children of the Wolf, or simply as Wolves, and these Wolves would from identity of name come to be regarded as akin to the brute wolves and as the fittest persons to propitiate the brute wolves and regulate the relations between the tribe and the wolves prowling around the camp. This hypothesis harmonizes with the existence of totemism as a system of co-operative magic, but it does not fit in with other facts collected by Messrs. Spencer and Gillen, and those other facts remove the difficulty to meet which Mr. Spencer had recourse to the hypothesis he adopted. Mr. Spencer took as his postulate that savage ratiocination

¹ Contributed by Mr. Henry Jones Ford, of Pittsburg, Pa., December 26, 1900.

is not essentially different from ours, so that so strange a notion as belief in human descent from animals, plants or inanimate bodies had to be reconciled with the physical fact that mankind is propagated by the union of the sexes. But it appears that the native tribes of Central Australia have no notion whatever as to the connection between sexual intercourse and the birth of children, and even when the idea is suggested to them, they steadfastly reject it as absurd and incredible. They obey the mating instinct as do the brutes, and with no more appreciation of remote consequences. Conception is accounted for as being the incarnation of the totem within whose sphere of influence it is experienced. Messrs. Spencer and Gillen give some curious accounts of the precautions taken by the women to keep the totem spirit from slipping into them.

Such facts suggest a rational and intelligible explanation of the origin of totemism. Primitive man instinctively imputes personality to every manifestation of power. He refers natural phenomena to such motives and intentions as he is conscious of in his own nature. This is a phase of mental development through which childhood still passes. In portraying in verse the moods of childhood, Robert Louis Stevenson has depicted the savage attitude of thought with scientific accuracy. Take, for instance, the little poem entitled "The Wind":

"I saw the different things you did,
But always you yourself you hid;
I felt your push, I heard you call,
I could not see yourself at all.

"O you that are so strong and cold,
O blower, are you young or old?
Are you a beast of field or tree,
Or just a stronger child than me?"

Now, with such an attitude of thought, it is easy to comprehend that a squaw, tousled and upset by a gust of wind, on finding herself pregnant while the memory of the occurrence was still fresh, would lay the circumstance to the account of the wind or to any supposed personality with which the power of the wind was associated. It will be noted as the rule of totemism that its nomenclature and classifications reflect the important circumstances of the life of the tribe in their relations to external things, with such relative prominence as those circumstances possess in the social economy of the group. The ever-present necessity of subsistence will make the dominant mental prepossessions those relating to the animals and plants, or to the physical conditions on which the subsistence of the group depends,

or from which its principal dangers are experienced, and the various personality imputed to both these sets of phenomena is registered in the totem names. We must refer the origin of totemism to a period when the relations of the sexes in the savage horde were controlled solely by the sexual instincts, and when paternity, with its sense of individual motive, rights and responsibilities, was completely obscured by the primitive collectivism, antecedent to human society. When children were born, like other physical phenomena, they were imputed to the direct agency of the mysterious personalities encompassing the group, from which by force or favor the group wrung the means of subsistence. Children received totem names just as our children receive family names,—to designate their origin; and the process of reasoning in both cases is one and the same. Thus in the primordial, homogeneous social cell, the food-seeking group,—a process of differentiation began under the play of external influences, and social structure had its beginnings in totemism. The social and religious functions which totemism assumed were developments employing and elaborating the structure of totemism but not originating that structure, and those developments may be expected to vary with the accidents of existence, so that along with fundamental identity in the nature of totemism a variation in totem customs may be expected among different peoples, the extent of the variation corresponding to the diversity in the conditions of existence. The tribe, the clan, the family, and in fine, all social, religious and political institutions, may be regarded as sequences of the structural process whose initial phase was totemism. It will be found upon examination that all these developments conform in order and method to the general laws of biological developments.

Child Suicide in Prussia. ¹—In a recent number of "*Die Woche*," Dr. Eilenberg contributed an article on the subject of youthful suicides in Prussia. He confines the word "*Jugendselbstmorde*" to those under twenty years of age, and gives the following interesting statistics: The number of suicides in Prussia under twenty years of age, in 1876, was 21.2 per 100,000 persons; in 1877, 23; in 1878, 24.1; and in 1896, the last year for which the statistics are complete, the number was 32 per 100,000 persons. These facts show an increase of over 50 per cent in twenty years.

The number of suicides in Prussia in 1896 was 6,497, of which 5,073 were males and 1,424 were females. Of these there were under 10 years of age, 2; between 10 and 15 years of age, 63; between 15 and 20, 444; making the total number of suicides, under 20 years of age, 509; of whom 333 were males and 176 were females.

¹ Contributed by Mr. Frank E. Horack, Halle a/S., Germany.

The official statistics assigns the following causes for the suicides of those under twenty years of age:

1. Satiety of life in 22 cases (15 males, 7 females).
2. Bodily afflictions in 11 cases (9 males, 2 females).
3. Insanity in 60 cases (39 male, 21 females).
4. Passion in 57 cases (23 males, 34 females).
5. Vice in 12 cases (9 males, 3 females).
6. Mourning in 1 case (male).
7. Grief in 12 cases (10 males, 2 females).
8. Remorse, regret and shame in 103 cases (66 males, 37 females).
9. Anger and quarrel in 43 cases (29 males, 14 females).
10. Ulterior motives in 12 cases (10 males, 2 females).
11. Unknown in 176 cases (122 males, 54 females).

The writer concludes that two chief factors can be assumed with some certainty for the great mass of "unknown:" (1) Those who are not actually insane, but have inherited a diseased, nervous constitution; (2) The pernicious family relations, or lack of domestic relations.

To show the possible relation of modern city life to the number of suicides, Fritz Zily submits the following facts: In 1816 there were only 45 competitors to the square kilometer in the German states, while in 1895 there were 95 to the same area. In 1895, 49.2 per cent of the entire German population was living in the cities. Every eighth individual lived in a city of from 2,000 to 5,000 inhabitants; every seventh to eighth man in a city of from 5,000 to 20,000; every tenth man in a city of from 20,000 to 100,000; and every seventh to eighth individual in a city of over 100,000 inhabitants.

While these facts are not conclusive as showing that the crowding in the cities is responsible for the large number of suicides, they are at least suggestive, and worthy of further investigation.

III. PHILANTHROPY, CHARITIES AND SOCIAL PROBLEMS.

School Gardens in Europe.—The special consular report on the subject of school gardens in Europe issued from the Bureau of Foreign Commerce of the Department of State as Part II of Volume XX, is an exceedingly good illustration of the weakness of this method of obtaining information. The instruction from the department addressed to certain consular officers of the United States on June 8, 1899, was as follows:

GENTLEMEN:—You will please prepare a report upon the founding, progress and practical working of school gardens in your respective districts. Sketches and photographs of subjects appropriate for pictorial illustration covering classes actually engaged in collecting or transplanting specimens; groups of children at garden, dairy, or kitchen work; schoolroom experiments in plant growth, etc., will add materially to the value of your replies.

The reports will be published in the consular reports.

I am, gentlemen, your obedient servant,

THOMAS W. CRIDLER,
Third Assistant Secretary.

There are few teachers who would not be somewhat puzzled by this instruction, and the consuls deserve credit for having interpreted it broadly. Replies include information regarding kindergartens, day nurseries, primary schools, horticultural schools, practical schools of agriculture, teachers' seminaries (provided a plot of ground is attached in which the teacher is expected to cultivate flowers and vegetables), commercial schools (provided the recreation grounds are supplied with trees), technical schools (provided there is a botanical garden attached), ordinary gymnasia, annual conventions of the National German Agricultural Society, and even a National Agronomical Institute.

It appears from a modest paragraph which concludes the statement of the vice-consul general resident at Frankfort that "the Prussian administration of education has no knowledge of any such schools." Here the matter might conceivably have been allowed to rest since the above mentioned department is reasonably well informed in regard to the educational developments in that kingdom. The consular districts of Hamburg, Hanover, Stuttgart, Cologne and a few other cities are similarly barren of school gardens.

The Consul General at Berlin, however, has discovered that the school garden as an educational institution is by no means the embodiment of a new idea. Locke wrote on the subject more than two hundred years ago and in the last century the proposal to establish school gardens was regarded with such favor that it is probable that

the plan would have been adopted throughout Germany had the wars of the French Republic and Empire not checked educational progress. In spite of the ignorance of the Prussian department the Consul General finds a few school gardens in Prussia but concludes that on the whole the movement to extend this branch of education cannot be said to have attained an importance at all proportionate with the high and rapid growth of German education in other branches of study. In Sweden, Austria, France and Switzerland, however, which countries lie beyond the boundaries of his immediate consular district, the writer discovers several thousand school gardens.

That the subject is one which suggests conditions other than what appear upon the surface is obvious from the following statements:

"Agriculture is at best a precarious pursuit in Germany, where land is costly, exhausted by centuries of cultivation, and dependent for productiveness upon expensive and constant manuring. Seasons are uncertain, and every agricultural product except fresh vegetables is exposed to the competition of products imported from countries where the conditions of growth are more favorable than here. For these reasons, the educational energy of this country has been turned into the branches of study that will give the people higher efficiency in manufacture and commerce, with what conspicuous results the present splendid industrial prosperity of the German people abundantly testifies."

The report contains some interesting information, but it would reflect greater credit upon the department if the instruction had been more definite and if there had been some indication as to who desired the information called for and the practical purposes which the reports would be expected to serve.

Social Reform in New York.—The citizens of the State of New York who are interested in legislation on social and charitable subjects will find their work for the present winter chiefly in watching the course of the legislature in reference to certain recommendations made by the new governor, in the discussion of the report of the charter revision commission and in the consideration of the report of the tenement house commission.

In his message to the legislature Governor Odell proposed the virtual abolition of the state board of charities and the substitution of a single salaried commissioner. In deference to a constitutional provision that there must be a state board of charities, the governor suggested that there should be associated with the commissioner two other state officials, to be designated by the governor from a list to be enumerated in the new statute reorganizing the board. A similar change was proposed for the prison commission, and it was recommended that the bureau of labor statistics, the board of mediation and arbitration and the department of factory inspection be consolidated in the new department of labor. All these, with other changes,

were recommended in the interests of economy. The Consumers' League has made a vigorous protest against the recommendation in regard to the department of labor and especially against the accompanying recommendation of a reduction in the number of inspectors. The function of the department of factory inspection of the State of New York is a matter of national importance because the products of the garment workshops of this state (for the wholesome condition of which the department is responsible) are sold in every state and territory in the United States.

From the nature of the work to be done, the duties of the factory inspectors and the bureau of labor statistics actively conflict, because the gatherers of statistics of wages must have access to the books of employing firms and must have interviews with the employers on an entirely different basis from that of the factory inspectors, whose sole function should be to enforce upon all parties obedience to the laws of the state. It is essential to the efficiency of the work that the factory inspectors be kept entirely independent of all other departments of the government, because, they, themselves, form an executive branch of the government, charged with the duty of prosecuting violators of the law.

In the opinion of the Consumers' League of the City of New York, the economy which the present situation demands in relation to the department of factory inspection consists in raising it to the highest efficiency; by giving it thoroughly able and efficient persons in the positions of chief inspector, assistant inspector and licensing inspector; an adequate staff of deputy inspectors and sufficient funds wherewith to perform its extremely important and far-reaching duties.

An even more emphatic protest is made by the charitable societies against the proposition to reorganize the state board of charities. A statement prepared on behalf of several of the leading societies of New York City points out that there is no economy in the proposed plan; that the measure would destroy the non-political character of the board and would tend to introduce partisan politics into the management of the public and semi-public institutions of the city; that the present system has protected these institutions from the influence of partisan politics for the reason that the present board is slowly changing and practically unpaid; that the present system has resulted in important economies, in the construction and management of state and local institutions (at least a million dollars has been saved by the operation of the rules of the state board of charities in regard to dependent children); and that the composition of the board as proposed is vicious. The single commissioner, who might be an expert, could be out-voted by the two other members of the board who were

elected to devote their time and energies to other matters. The experience of other states with small paid boards has indicated that a board consisting of several members serving without compensation or with small compensation is safest and most useful. Such are the boards existing under slightly varying designation in Massachusetts, Connecticut, Pennsylvania, Maryland, Ohio, Illinois, Indiana, Michigan, Minnesota and other states. The principal point raised in the statement issued by the societies is that the board should remain a deliberative body. The powers of the board regarding the reception and retention of children as public charges in charitable and reformatory institutions inevitably influence the religious and moral training which such children are to receive, and determine to some extent the character of the entire environment of the helpless wards of the state. At what age children are to cease to be public charges, under what conditions they may be transferred from one institution to another, under what conditions they may be placed out in foster homes, whether suitable hygienic and physical conditions are present, and numerous other similarly vital considerations are partly subject to regulation by the board and partly determined by statutes for the execution of which the state board of charities is in large part responsible. Under the present form of organization no change in the rules or methods of the board can be made except after discussion by members who represent diverse views and diverse interests.

The chapter relating to the Department of Public Charities in the bill embodying the recommendations of the Charter Revision Commission is excellent. It provides for a single commissioner for the entire department, instead of three commissioners with distinct territorial jurisdiction, as at present; for a children's court and for the separation of the principal public hospitals from the charities department and the creation of a department of public hospitals. Concerning the last of these three propositions expert opinion is divided. The plan recommended by the commission is for an unpaid board of seven members, of whom one is to retire each year. Under this board there would be a salaried director with large administrative powers. There are numerous minor changes for the better in the charities chapter and in the chapter relating to the department of correction. The commission recommends the complete reorganization of the police department, but it is probable that the legislature will have passed a separate act for the government of this department before much attention is given to the report of the commission as a whole.

The Death Penalty as a Preventive of Crime.—In at least six states there has been recent active discussion of the death penalty for murder. In Kansas and Colorado it is proposed to introduce capital

punishment. In these two states atrocious lynchings have given the opportunity to believers in capital punishment to say that if the law had been operative the lynchings would not have occurred. In Massachusetts and New York, on the other hand, there is a movement, which in Massachusetts at least has strong backing, to abolish the death penalty. The governor of Kansas is reported to have said that the lynching in that state will almost certainly result in a return to capital punishment. The attorney-general of Massachusetts insists that the punishment of murder by death does not tend to prevent or diminish that crime, and that the infliction of the death penalty is not in accord with present civilization; that it is a relic of barbarism which the community must certainly outgrow, as it has already outgrown the rack, the whipping-post and the stake. In Wisconsin a bill has been introduced providing capital punishment for certain degrees of homicide. In Maine also, where capital punishment was abolished in 1887, there is pending a bill to re-establish it. The state librarian has published a leaflet detailing the experience of the state on the subject. The salient points of this history are reproduced as likely to be of peculiar interest in view of the present widespread discussion.

In 1820 the crimes of treason, murder, arson, rape, burglary and robbery from the person by violence, were punishable with death by hanging. In 1829 the penalty for burglary, rape and robbery was reduced to imprisonment for life. In 1837 the law was further modified so that one convicted of murder and sentenced to be hanged, should be confined in the state prison a year and a day, before execution, and until a full record of the proceedings had been submitted to the executive, and until such time as the executive should issue his warrant ordering the execution.

In 1844 the law was further modified, requiring that all persons under sentence of death, should suffer solitary confinement and hard labor in the state prison, until such sentence was carried into effect.

It will be seen that by the law of 1837, the execution of the death penalty was, in a measure, left to the discretion of the executive, since there was no limit of time within which he was, by law, compelled to issue his warrant of execution. The responsibility thus created was so great and the sentiment against the death penalty so active and aggressive, that there was no execution in this state for nearly thirty years.

In 1867, the governor called the attention of the legislature to the fact that there were ten persons under sentence of death, confined in the state prison, one of whom had been there over twenty years. He suggested that the penalty be abolished, or the law so changed as to require the governor to issue his warrant of execution within a time

certain and fixed. In 1869 a law was enacted requiring the governor and council to review the finding of the court in cases of conviction and sentence of death, and commute, pardon or cause the prisoner to be executed within a certain length of time after the date of the original sentence.

In 1870, and again in 1874, the governor entered his protest against the law of 1869, declaring his belief that it was unconstitutional, since it imposed juridical functions upon the executive department.

In 1875 the legislature amended the law of 1869, so that the governor was required to issue a warrant of execution within fifteen months of the date of sentence. In 1876 the death penalty was abolished altogether. In 1883 the death penalty for murder alone was re-established. In 1885 the governor, referring to the death penalty, remarked that there had been an unusual number of cold-blooded murders within the state during the two years last passed, and that the change in the law relating to murder had not afforded the protection anticipated. In 1887 the death penalty was again abolished.

The strong minority opposed to the death penalty had much to do with its non-enforcement from 1837 to 1867, and the enforcement of the law from the latter date until 1876 had more to do with its abolition; since the executions during this period awakened discussion and debate upon the subject, and brought the people face to face with their responsibility and duty in the matter. Professor Upham, of Bowdoin College, and Rev. Sylvester Judd, of Augusta, Me., by their speeches and written arguments against capital punishment, created a deep-seated and widespread sentiment in the minds of the people against this mode of punishment. The Society of Friends within the state were ever urging in their petitions to the legislature for the abolition of the death penalty. The sentiment of the people is now so strongly against capital punishment that it is predicted that the law will never again be enacted in Maine.

On the general question as to whether the abolition of the death sentence would lead to lynching, it is possible to secure evidence. The question is whether the abolition of capital punishment in Maine, Wisconsin and Michigan, in Switzerland, in Italy and in Russia has stimulated lynching. The negative answer is very positive. It can even be shown that the number of murders has not increased. On the contrary, in most countries where capital punishment has been abolished it has decreased. There is another pertinent question, viz.: What relation does the number of indictments for murder bear to the number of convictions for murder in countries where the death penalty exists, and in countries where the death penalty does not exist? It would be difficult to obtain accurate statistics on this subject, but the

advocates of the abolition of the death penalty claim that in the southern states where the death penalty is in force there is vastly more lynching so far as colored criminals are concerned, and that in the case of white murderers there is less chance of conviction than in countries and states in which the death penalty is abolished. It may readily be claimed that one reason for the recent rapid conviction of four criminals in Paterson, N. J., is that the jury under the law could agree on a verdict for murder in the second degree, involving imprisonment only, when they could not agree on a conviction for murder in the first degree, involving a death sentence.

The governor of Indiana, in his annual message, suggested that kidnapping, like murder, should be punished by the death penalty.

Convict Labor.—The system of leasing out convicts to private parties, which has been in force in Louisiana for thirty years, came to an end on the first of the year, anticipating the provisions of the constitution of 1898, which prohibited the leasing of convicts after the expiration of the existing lease in March of the present year. The problem of selecting the right kind of labor for the convicts has been a puzzling one to the board of control of the state penitentiary, but selection has been made of a sugar plantation in one locality and a cotton plantation in another. Both properties are said to be well equipped with the necessary machinery to cultivate and handle the crops. The young able-bodied colored convicts however are to be employed in building levees under state care, while some of the white convicts and the more intelligent negroes are to remain in the penitentiary proper, employed in industries to be created. Several other southern states, where the mild climate permits of outdoor work nearly the whole year, are trying the effect of convict labor on the state farms.

Successful experiments have been made in Oneida County, N. Y., in employing convicts in road-making. It is held that road-building competes less with free labor than most other occupations. Good roads are needed and there is small prospect of free labor building enough of them. In Monroe County men have been employed in raising large crops of oats, potatoes, cabbages and onions. The diversification of the industries of convicts is to be commended, especially in the direction of those occupations which are physically and morally healthful.

The experiment has attracted much interest and the subject has been taken up actively in the legislatures of several other states. The warden of Kings County Penitentiary, Brooklyn, has proposed a plan by which the convict labor of the entire state so far as necessary be utilized in constructing a great state highway from New York City to Buffalo.

The "Charities Review."—The "Charities Review," of which Mr. Herbert S. Brown has been editor, has been incorporated with "Charities," the weekly periodical published by the New York Charity Organization Society, and will henceforth appear as a monthly number of that periodical.

The "Review" has completed the fourth of its historical studies in American Philanthropy of the Nineteenth Century. Those which have thus far appeared are: "Children, Destitute, Neglected and Delinquent," by Homer Folks; "Care and Relief of the Poor in their Homes," by Edward T. Devine; "Hospitals, Dispensaries and Nursing," by Henry M. Hurd; "Institutional Care of Destitute Adults," by Robert W. Heberd. "The History of Preventive Work," by Joseph Lee, is still in progress and will be continued in the monthly "Charities Review" number of "Charities."

Prevention of Fires in Institutions.—The "Charities Review" for February contains some trenchant paragraphs on the subject of the failure to take proper precautions against fires in charitable institutions:

"It is nearly a year since we last had occasion to note any specially disastrous institution fires. The season of overheated flues has returned, however, and the story begins once more. It is hardly worth while to try to locate specifically the responsibility for the fire at the Rochester orphan asylum by which some thirty of the inmates have met their death. Of course, the building was inflammable; of course, there was no night watchman; of course, there was not any very good way of getting out in a hurry: these things cost money, and charitable institutions must economize. In possibly five hundred other institutions in this country the conditions which made the Rochester disaster are duplicated. No one thinks of accusing the management of any of these institutions of criminal negligence. On the contrary, they are felt to be showing a commendable spirit of thrift in getting along with the least possible drain on their contributors. For instance, the managers of the Buffalo orphan asylum, with perhaps one hundred and fifty inmates in an old building of wood and brick of the rapid-burning type, with wooden staircases, supplemented by two narrow iron ladders, with no night watchman, and with no fire-drill, are said to be patiently plodding along in the hope of a new fireproof building some day; in the meantime 'doing the best they can with the money which charitable people have given them to work with.' The Rochester society happened to get caught, the Buffalo institution to escape. The conditions were identical and the responsibility is identical. . . .

"But economy is not the only factor in evidence in our annual list of fire fatalities. Inexcusable indifference on the part of managers,

coupled with inexcusable indolence on the part of superintendents, brings about a condition of affairs such as is reported in a statement before us, presumably correct, regarding a fire in the insane annex of a county almshouse in Ohio. Here, it is stated, the discovery of the fire so demoralized the attendants that the keys to the 'cells' were lost and doors had to be broken open. One old man could not get out. Aside from the fact that if Ohio legislators had a keener eye for lasting economy there would have been no insane 'cells' in this almshouse, it is perfectly evident that the superintendent of this particular institution had not seriously considered what he and his helpers would do in case fire broke out.

"It is just at this point that the value of a state supervisory board comes in. So long as the local overseers are the final arbiters in all matters relating to the almshouse, so long will there be found some institutions run with complete indifference to the welfare of inmates; some with a robust kind of care which means well, but which knows little; none with the complete equipment of experience which an inspecting and advising board carries from one institution to another and from other states to its own. Who is to suggest to the isolated county superintendent the utility of a fire-drill if not the state board? . . .

"State boards of charity are not yet very strongly established in the American body politic, and their power, even when statutory or constitutional, has yet to be enforced with the utmost mildness and indulgence, lest they lose what hold they have. Scarcely a legislative season passes in which an effort is not made in several states to overthrow or cripple these boards, either to satisfy the spoilsman or to wreak vengeance for some 'interference' on the part of the board for better conditions in institutions.

"The evidence is so completely against the decentralization of administration in charity,—at least of supervision of charity,—that one is compelled to admit that the successful introduction of a central supervising board of charity is for any state a distinct step toward both economy and humanity. On the other hand, any effort to cripple such a board, even on the ground that it does its appointed work unsatisfactorily, must be made facing the only alternative to these boards that history has yet given,—indifference to the welfare of public wards, varying from simple neglect to mediæval inhumanity; economy, if any at all, that stints the beans of to-day while it breeds the beggars of to-morrow; discipline that restrains and rebuffs the hungry and sick, but keeps open house to the calloused vagabond; education for the child with almshouse for kindergarten, workhouse for intermediate, and jail, hospital, or asylum for the finishing touches."

The "Review" proceeds to give an account of the rescue of the charitable institutions of the State of Indiana from the political spoilsmen, a reform which has required over ten years for its accomplishment, and which is full of significance to the states which have not yet reached the same plane and those other states which, having reached it are in danger of retrogression.

Annual Reports of Charity Organization Societies in New York and Massachusetts.—The New York charity organization society publishes a report which gives evidence of condensation and even omission in order to bring within reasonable compass a review of its diversified activities. Tenement-house reform is placed foremost.

The report contains, however, a general survey of charitable legislation in the state and of charitable administration in the city of New York, giving special attention to the reform instituted by the society two years ago in preventing the breaking up of families and the commitment of children to institutions, when this can be done by providing assistance privately at home. It is reported that in some instances parents are so anxious to keep their children that the task is easy, even though the amount of money required is considerable. The gratitude shown for the assistance through which it becomes possible to avoid the dreaded separation and the stigma of becoming a charge upon the public treasury, is ample reward for all those who have had a share in the undertaking. In other instances, a large amount of work besides the supply of relief has been necessary. For example, in one case the agent of the society induced an employer to lend money to get the family out of furnished rooms, secured the discharge of children from an institution in Brooklyn, arranged for the admission of the woman into a maternity hospital, later brought about the arrest and imprisonment of the husband, persuading the wife to appear against him in court, and relatives to shelter the woman and children for a short period, secured a suspension of sentence and parole for the man, and by visiting the former employer secured his return to his former position, and obtained an excellent friendly visitor for the family. In a word, the breaking up of the family, repeatedly threatened, was averted, there having been every reason to believe that the man contemplated desertion after the children were committed. The greatest difficulty arose in the not infrequent cases in which the head of the family deserts the wife and children in order to secure the commitment of the latter.

One of the causes of the large number of applications from certain elements of the foreign population is a current misconception of the status of inmates of institutions. A Syrian priest, for example, has remarked that there is a strong prejudice among Syrians in favor of

the "school," and all who are familiar with the magistrates' courts or with the department of charities know of the prevalent notion among Italians that their children are being "sent to college." It does not appear that there is any difference, in the minds of many people, between attendance in the public school and entire maintenance in an institution where an education would be obtained and perhaps a trade learned at the expense of the city. One family living in affluence in an expensive apartment was very much astonished when an examiner from the department of charities suggested that the expenses of the education of the children should be met by the parents. In another instance one of the managers of an institution indignantly demanded whether the agent of the charity organization society wished to make paupers of the family. What the agent had proposed was that the mother should be helped privately to keep her children instead of having the city pay for them in the institution. It is a curiously distorted view that would make a pauper of a family which is helped privately at home, but does not recognize as a pauper one whose children are a public charge.

Another still more striking instance is that of a West Indian negro who is quite capable of supporting his family, but who left them to their own resources, with the result that at least one of the children has been committed as a public charge. The father, whose whereabouts were unknown for a time, has been located as a student in a university in a neighboring state, the president of which writes concerning this student: "He is in our sophomore class. He is diligent and successful in his studies. We regard him as a very reliable and promising man. He appears to be under the control of good principles, and we are glad to cherish toward him a growing confidence."

The Buffalo charity organization society, in its annual report, concentrates attention upon the constructive work of its district committees, pointing out that for some time this has been comparatively neglected as compared with the attention given to incidental and later features.

A recent great extension of the church district plan makes it cover very nearly the whole city. This is one of the most interesting experiments now in progress in the field of organized charity. The plan itself was described in the "Charities Review" for March and May, 1898. The report of last year confessed a partial failure due to the unwillingness of the district committees to refer their families to the churches which on the invitation of the society have accepted the responsibility for particular districts. A rule was adopted in November, 1899, abolishing the discretion of the district committees, and requiring the reference of all families residing within the assigned districts.

This completed the conditions essential to the thorough trial of the plan, nearly the whole city having been satisfactorily assigned. We are not yet, however, assured that the plan is a success. The most that its immediate advocates claim is that it is succeeding. Perhaps, however, this is a commendable example of moderation in claims. That it has been in operation for five years, and that it has not been abandoned or undermined, but rather has been strengthened and extended, is much in its favor. Many "movements" which are heralded as revolutionary in character can claim less. The present report says that in the past year twenty new districts have been taken, making the total number over one hundred, and that in almost every denomination all the churches of importance now participate in this plan. On confident days it seems as if through this organized attack in another generation bestial poverty would be fairly driven from the field, but at present the difficulties of the church district plan are conspicuous. It is not popular with the agents of the society, not so much because it involves infinite detail and because a reference to a church often doubles their labor instead of lessening it, but because they see so often that it means delay and suffering to the poor. The district committees also hesitate to surrender a family in need to the weakness, dilatoriness, or apathy of some churches. A few notes by the agent of one of the district committees illustrate this. In reading them it should be borne in mind that urgent need is relieved at once by the society, with no delay whatever, before the family is referred. "Agent called twice and wrote once for reports. One month after being referred was told by church visitor that she intended to call." "Agent has called and written for reports. Visitors, all young girls. I have no knowledge of families having been visited." "In each case visits were made one month after being referred." "Reports have been repeatedly promised by pastor. So far as agent knows, families have not been visited." "Pastor of this church says he understands the needs and work of the district better than anyone else. Charity organization society plan amounts to nothing. No time for reports." It is but fair to add that these could be fully matched by as many notes by the same agent, of wise, prompt care and good visitors.

The conclusion of the matter, in the words of the report, is: Unwise charity is as formidable under this plan as neglect or delay, but unwise charity has existed, is existing, and will exist, unless educated. The test of success of a charity organization society is its power to influence the charitable work of its community. What has been done is so much less than it might be that it often seems less than it is. A century ago it would have been Utopian to conceive of one hundred churches in a city, Catholic, Protestant, and Hebrew,

banded together for a common purpose, and relieving each others' poor.

The report of the New York association for improving the condition of the poor contains interesting statistical data and an account, necessarily condensed, of the various activities of the association: the relief department, fresh-air work, people's baths, Hartley house settlement, Cooper Union labor bureau (recently discontinued), and the committee for boarding infants from the hospital on Randall's Island (conducted jointly with the State Charities Aid Association).

The reasons assigned for closing the labor bureau are given as follows: (1) Improvement of business conditions in the city, lessening the number of the unemployed. While there are still many men out of work, the number is much smaller than when this work was begun. (2) The announcement by some of the intelligence offices that employers can secure help from them without charge. (3) Free labor advertisements published in a daily paper of large circulation. (4) The establishment of a free labor bureau by the state; also by other philanthropic agencies. One of the objects which the committee has had in view from the first has been the fostering of enterprises that could take up the work and carry it on successfully. (5) The growing belief that the state is able to conduct a free employment office better than a philanthropic society can, because of its wider sphere of influence, its ability to ascertain the needs of different sections of the state, and also its power to secure legislation tending to decrease the evils of the average intelligence office. Important steps in this latter direction have already been taken, much-needed laws having been secured since the state bureau was opened. (6) Lack of adequate support to compete with agencies which have an expensive office force, employ canvassers, and insert advertisements calling attention to their work and their available applicants.

What is an associated charities for? The Boston society of that name answers this inquiry in its annual report in a way which will answer equally for a charity organization society or a bureau of associated charities.

According to the directory of charitable and beneficent organizations published by us in 1899, there are in the city some 250 relief-giving societies, hospitals, and homes, besides many semi-charitable agencies. How is a person in need of help to know where he should apply; at which of these many doors he should knock?

More often than not the poor person who comes to others for help is lacking in judgment and foresight. When an extra trouble falls upon him he is bewildered, and turns to the nearest means of assistance, however unsuitable or inadequate and far too often passes by in

his ignorance the remedy of which he is in need. The best thing for him may be hospital care, or a convalescent home or a temporary home for his children, while the mother is in a hospital, or a loan on moderate terms so as to start again in business, or to place his boy at an industrial school or on a farm under the care of a children's society, or to move his family to the country where work is to be had,—or several of these remedies together. Sometimes he knows what the right thing is, although not how to get it; but more generally he does not know what he requires, and asks for something quite different. Above all, however, he needs an intelligent and interested adviser and friend, who will put him in the way of getting the right assistance; and here comes the opportunity of the associated charities.

Scattered over the city are sixteen district offices. At each is to be found every day, at certain hours, a devoted agent of the society, a person of sympathy, intelligence, painstaking care, infinite patience, and good-will; and who, having knowledge of the manifold possibilities of the city, can obtain the immediate relief by food or fuel, which may be necessary, while plans are being made for the longer future and against the recurrence of distress. Each new agent is trained by a hard course of work and study under experts for her office of "friend in deed." Behind this paid worker, who visits, investigates, reports, and relieves all pressing suffering at once, is a conference, a body of volunteer visitors, who meet once a week to discuss the cases brought to them, and to plan the right means of helping, whether for a few days or for long years. These volunteers, the actively interested friends of the people in the district, feel the need of counsel and deliberation that they may pursue wisely their work of guiding the lives of those who confess their inability to care for themselves. Not only do these friends meet in full conference weekly, but daily also in small groups, so constant are the calls for advice from every side.

To bind together the different groups of helpers, there is the central office, or bureau of exchanges, where the histories of distressed families are kept privately, where information passes continually and confidentially from the different relief societies and individuals to us and to each other. At this office, meetings of the directors are held constantly, and the general plans and principles of the society are worked out. Here the agents meet in council, the secretary conducts classes in the study of charity, and here the work of the whole is unified and directed.

National Conference (1900) of Charities and Correction.—The proceedings of the Twenty-seventh National Conference of Charities and Correction, held at Topeka, May 18 to 24, 1900, have just been published. The "reports from states" in the present volume include

reports from Canada, Mexico and Cuba, as well as from nearly all the states of the union.

There is an increasing tendency toward intensive conferences in the field of charities and correction. While the National Conference, the Prison Congress, the Social Science Association and the American Association for the Advancement of Science have a useful and important function, there is also a recognized need for meetings in which questions of local interest may be discussed more intelligently and exhaustively than is possible in the national gatherings. The first state conference has been held this winter in New York, California, Kansas, Missouri, and a movement to inaugurate a conference in Kentucky is started. The bill to create a state board of charities has received an impetus from the conference at Oakland, Cal. The fifth annual state conference was held this year in Illinois, the ninth in Indiana, and the nineteenth in Michigan. In New York, Pennsylvania and other states, there have long been conventions of superintendents of the poor and other public officials, but the newer conferences differ from these conventions in the greater participation of representatives of private charities and of private citizens interested in the charitable work.

The Prevention of the Spread of Consumption.—The crusade against consumption gains headway, but as yet it shows no adequate conception of its enormous task.

The United States Commissioner of Immigration has decided that it is a disease which may subject the patient to quarantine. The state board of health, of Illinois, recommends the building of a state sanitarium. A hospital for incipient cases is advocated in the Legislature of Connecticut. The medical societies have inaugurated a similar movement in Minnesota and California. The New York Legislature threatens to discredit its own commission, appointed a year ago by passing a law compelling the commission to select an entirely unsuitable site for its hospital for incipient cases. Sing Sing prison has been condemned by the prison association of New York and by the state board of health, for the reason among others that to send a convict to that prison is to sentence him to infection from this disease and to unsanitary conditions, which make recovery from it virtually impossible.

A report of the United States marine hospital service, last summer, contained a comparative statement of the mortality from yellow fever and consumption in Havana in the five years, from 1890 to 1894 inclusive. From this it appears that the total deaths from yellow fever were 1,117, the highest number being 398 in 1893. From consumption the total number of deaths was 7,462, and the variations

from year to year were much less than in the case of yellow fever. In other words, in a city where yellow fever was believed to be most prevalent and fatal, it killed only one person, where consumption killed seven.

It is an encouraging sign that not only medical societies, but also charitable conferences in all parts of the world are earnestly discussing the subject. The demonstration is complete that the disease is contagious, and in its earlier stages curable. The two federal government hospitals in New Mexico already report remarkable success in the treatment of army and navy patients.

Halting as state action has been, in the matter of appropriations for hospitals for curable cases, houses of rest for advanced cases, colonies for those who can remain nearly self-supporting, and laboratories for the advancement of medical knowledge, even less adequately has private philanthropy solved its share of the joint problem.

In Philadelphia there was organized in 1895 the Free Hospital Society for Poor Consumptives, which is the logical outgrowth of the Pennsylvania Society for the Prevention of Tuberculosis, which has been the model on which similar societies have been organized in other parts of this country and in Europe. The Free Hospital Society has paid board for patients in city hospitals, and when there has been a chance for cure it has sent the patient to a sanitarium in the Adirondacks. Its work has steadily grown, and in December it was supporting forty-five patients at an outlay of \$1,000 a month.

The money for this purpose has been raised in small sums from the charitably disposed. This system of maintaining patients in existing hospitals has not been regarded as entirely satisfactory, but it was the best possible under the circumstances. The ultimate aim has been to have a properly equipped city hospital for advanced cases and a sanitarium in the mountains for those who are in the early stages. Dr. Lawrence F. Flick, as president of the Free Hospital Society, issued a special Christmas appeal for funds for the new enterprise.

In New York the Indigent Consumptives' Aid Association has been created "for the purpose of illustrating the ultimate method of treatment and the most effective way of curing the disease." The colonization idea underlying this society differs from the hospital plan in that it will not only remove the patient to the climate most suitable to his condition, but also transplant the associations of his former life by providing a place of abode for all or part of his family, and by providing also suitable occupation. This movement, like that in Pennsylvania, is initiated by physicians. Dr. J. Austin Kelly, of Brooklyn, is president of the society.

The Stony Wolde Sanitarium, to be established in the Adirondacks,

on the cottage plan, is intended for working women and girls, both free patients and those who are able to pay something toward their maintenance and treatment.

What is needed most of all at the present time is a realization of the urgency and enormous extent of the struggle upon which official and private agencies are entering. The impressive words of Dr. George F. Keene before the Cincinnati Conference of Charities and Correction in 1889 need frequent reiteration: "Consumption is a disease which has claimed more victims than all the wars and all the plagues and scourges of the human race. Even in the few short years since Koch's discovery, over 2,000,000 persons on this continent have succumbed to the fatal infection. In the last two decades in Cincinnati out of a total mortality of 119,089 there have been 17,353 deaths from this dread disease. The annual tribute of the United States to this scourge is over 100,000 of its inhabitants. Each year the world yields up 1,095,000; each day 3,000; each minute two of its people as a sacrifice to this plague. Of the 70,000,000 individuals now peopling these United States, 10,000,000 must inevitably die of this disease if the present ratio is kept up."

Dr. S. A. Knopf, author of a useful work on "The Prophylaxis and Cure of Consumption," addressing a recent meeting in the interests of the Stony Wolde Sanitarium, said:

"To expect that the state or city alone shall cope with the tuberculosis problem is unreasonable. The one state sanitarium, which we hope to have in our Empire State ere long, even could it accommodate a thousand patients, would only be like 'a drop of relief in an ocean of woe.' I fervently hope that the state will never have a sanitarium of that size, and I know that those who counsel our state authorities in this matter will never permit so large an aggregation of consumptives in one place. What is needed is multiple sanitarium and special hospitals of moderate size, located near the large centres of population. Our own state and city will have to have several of these, and private philanthropy will create more. There must be institutions which receive men, women and children suffering from tuberculosis, not only for the very poor classes, but also for people of moderate means. There are many people among consumptives who are too proud to enter an entirely free institution; they are willing and able to pay something, and do not wish to feel that they are objects of charity. The sanitarium situated at a greater distance from the city should receive, as far as practicable, the incipient and more hopeful cases. The special hospitals situated in the outskirts of the city should be for the purpose of isolation as much as for treatment."

A more complete program for immediate action to check the scourge

would include: (1) improved housing; (2) isolation of advanced cases to prevent infection; (3) treatment of incipient cases under favorable climatic and other conditions; (4) propaganda concerning the proper methods of preventing infection; (5) general inculcation of the facts that consumption is contagious and curable; (6) charitable assistance when necessary to enable those who are afflicted to cease work temporarily and remove to a place where there is a chance of speedy recovery; (7) scientific investigation of the sources of infection, and determination of the precise extent to which isolation is advisable.

IV. COLONIES AND COLONIAL GOVERNMENT.

Philippines.—The report of the second Philippine Commission, recently transmitted to Congress, contains the latest accessible information on the social and political conditions of the island. The document is especially important because of the discussion of the relation between Church and State which it contains. The commission suggests, as a solution of the question, that the property now owned by the Augustinian, Dominican, Franciscan and Recolletan Orders be purchased either voluntarily or condemned by the American Government and leased to the present tenants with the ultimate intention of sale to the latter. This recommendation is based upon the thought that a permanent retention and occupation of their lands by the orders named would be considered as a revival, with American sanction, of all the old abuses charged against the friars. The total number of Roman Catholics in the island as shown by the church registry for 1898, was 6,559,998. There were 967 parishes. During the revolutions of 1896 and 1898 all the Dominicans, Augustinians, Recolletans and Franciscans acting as parish priests were obliged to leave their parishes and take refuge in Manila. Of the 1,124 priests in these orders in the island in 1896 but 472 remain at the present time. The Jesuits, Capuchins, Benedictines and Paulists have not aroused hostility because they have confined themselves to missionary and teaching work.

The Taft Commission, in its hearings on the land question, has received information from all classes; from the members of the orders concerned, as well as from their opponents. There is apparently no disagreement as to the facts regarding the powers formerly exercised by the members of these orders while acting as parish priests. The parish priest was inspector of primary schools, president of the boards of health and charities, inspector of taxation, president of the census enumeration of the parish, president of the prison board, member of the provincial board of public works, adviser of the municipal council, examiner in the public schools of the first and second grades, censor of the plays or comedies presented in the parish, besides exercising numerous other important local powers. It should be remembered, however, that the local parish priests were the only educated persons as a rule in the local communities and these powers therefore devolved upon them naturally. The civil and military officials in the Philippines were recalled at frequent intervals (of four years or less), whereas the members of the orders named had practically a permanent tenure of office within the island. The latter,

therefore, formed a strong, compact and well-organized political body against which the opposition of the civil and military authorities would have proved futile.

The land owned by the orders named is approximately 403,000 acres. The opposition to the friars is considered by the Philippine Commission to be based not only upon the alleged excesses of the priests but also upon their land holdings. The recent revolution against Spain was not a religious question but an agrarian one. "The Philippine people love the Catholic Church. The solemnity and grandeur of its ceremonies appeal most strongly to their religious motives. . . . The feeling against the friars is solely political. The people would gladly receive as ministers of the Roman Catholic religion any but those who are to them the embodiment of all in the Spanish rule that was hateful. If the friars return to their parishes, though under the same police protection which the American Government is bound to extend to any other Spanish subjects commorant in these islands, the people will regard it as the act of that government."

Next to the religious question, the most important matter dealt with in the commission's report is the question of a civil government to be established by Congress in the islands. Under the military power the public land system, mining claims, the organization of railroad, banking and other corporations and the granting of franchises generally cannot be permanently regulated, yet the development of the islands depends upon the exercise of this important power of regulation. Immense amounts of capital are waiting for investment in the Philippines. Large numbers of people have gone from America to the islands, and are seeking an opportunity to develop the insular resources. The necessity for a supreme military government has almost entirely passed away, and the commission believes that the pacification of the islands could now be obtained much more rapidly through the agency of a civil government, assisted by a strong police force and a number of native troops under American officers. The establishment of municipal government is going forward in different parts of the islands where pacification has progressed sufficiently.

In regard to the much discussed question of drunkenness among the American soldiers, and to the alleged phenomenal increase of saloons since the American occupation of Manila, the commission offers the following facts:

Since February 1, 1900, there has been a steady reduction in the number of saloons. It is difficult to obtain information on the exact number of saloons previous to American occupation. It is claimed that there were only fourteen bars but nearly 4,000 shops where

native wines were sold. Practically, all drug stores and groceries sold wines and liquors, no municipal license being required. With the American occupation licenses were issued, and while the number of nominal bars has therefore increased to 108, the number of native wine shops has been reduced to 408. The commission believes that the native wines are extremely dangerous, especially to foreigners. The number of retail liquor establishments in Manila is shown by these figures to be less than in any large American city. The new civil service regulations provide for a general examination for the higher branch of the civil service, in which a certain number of studies are required and a certain number optional. The required studies are those which are usually considered necessary for a liberal education.

Among the most important measures passed by the Philippine Commission have been the appropriation of two million dollars (Mexican) for highways, a civil service law, a law establishing a bureau of statistics; an appropriation of one million dollars (American) for the improvement of the Port of Manila, laws for the establishment of courts and local governments in various parts of the islands, regulating the system of public accounts and taxing exports in Mexican money.

Cuba.—The Constitutional Convention has completed the final draft of the constitution, which is now being engrossed. The question of the relations of Cuba to the United States which is being considered by a committee of the convention is the crucial point and has wisely been separated from the main body of the constitution. The American claims have grown from the time when in April, 1898, the original resolution was passed, stating that "the United States renounces all claim to sovereignty over Cuba," until at the present time the American Government is credited with negotiating for a series of naval and coaling stations, supervision of the public debt of Cuba and the power to intervene in the foreign relations of the island. The new constitution contains provisions, the wisdom of which may well be doubted, notably a provision for universal suffrage. The conditions of the population which were noted in the last number of the *ANNALS* certainly point to a high suffrage qualification. It is also regrettable that the possibility of a military leader securing control has been increased by the provision which renders eligible the celebrated General Gomez.

Porto Rico.—The Porto Rican Legislative Assembly has adjourned after passing thirty-six bills. Twenty-four measures were passed on the last day. Of the one hundred and two bills which were introduced in the Lower House only fourteen were enacted into law; while of the

twenty-eight bills introduced in the Upper House or Executive Council twenty-two became laws. One bill was vetoed. Considerable opposition has been aroused among the people by the passage of the so-called Hollander Tax Law. Porto Rico has never had a land tax embodied in her financial system. Professor Hollander, the treasurer of the island, introduced such a measure and after considerable opposition it was finally passed. A mass meeting, composed of over two thousand Porto Ricans from all classes, especially the land owners, from all sections of the island met on the afternoon and evening of February 3, and appointed a committee of fifteen to bring the injustice of the law to the attention of the American Congress and to have the measure nullified.

V. INDUSTRY AND COMMERCE.

Review of American Stock Market.¹—The period of lethargy through which the stock market passed has given way to one of remarkable activity. For the three months prior to the election the total number of shares of stock sold was 15,421,113, while the sales for October and November aggregated 33,460,419 shares. For the first two weeks of December the sales amounted to 8,244,504 shares; or a total of 41,704,923 since the election.

This enormous increase in the volume of business naturally resulted in enhanced values in securities. Taking a list of twenty-five of the most active stocks as a basis for calculations the stock market shows a gain of about fifteen points since November 3. Many securities have shown greater increase, especially among those in the highly speculative list, while the most conservative investment securities have shown advances of but three or four points.

During the early part of this month securities fell, due to a rise in the call-loan rate. The securities most affected were again the speculative list. This is again explained by the large increase in the volume of marginal trading, which is invariably present in a buoyant market.

Many writers have taken an extremely pessimistic view of the situation, and have their eyes focused upon a panic in the stock market. Although the rate of dividend upon the major portion of securities does not warrant a decided rise above present quotations, there are no elements in the situation at present which presage a panic, or even a marked fall in quotations.

When values do fall, those most affected will be the margin traders; the investor will not be frightened into selling, for he recognizes the fact that these occasional "slumps" are the result of a desire to buy on the part of the insiders.

Generally the situation is most gratifying. Aside from the fear of a rise in the call-loan rate there are no disturbing elements.

Our favorable balance of trade will bring gold to this country in case of stringency, and the Treasury will probably lend its assistance if the condition demands it.

The contemplated deal looking toward the combination of large coal interests, which is being superintended by J. P. Morgan & Co., will, if successful, result in an advance in the price of the securities of all the roads affected.

A feature of the present situation which is worthy of special mention is the increased demand for bonds. This is most encouraging, as

¹ Contributed by Mr. L. B. Wolf.

it clearly proves that the business man is making profits and desires a safe investment for them. He displays his wisdom by not speculating in securities about which he has but scanty knowledge. The presence of the conservative investor in the market is always reassuring.

Events in the Railroad World.¹—There are certain movements which began over a year ago which must be explained and understood before the significance of recent events can be seen. Among the most conspicuous of these is the development of the "community of ownership" idea, which started with the deal between the Vanderbilts and the Pennsylvania Railroad, and is gradually spreading to all parts of the country. The first important result of this deal, which was for the purpose of controlling the railroad situation between Chicago and the Atlantic seaboard, was the ordering of a general advance in freight rates last January. This ranged from 10 to 15 per cent in many classes of traffic, and produced the greatest results in bituminous coal, which had long been carried at very small profit. The advance of this article ranged from fifteen to twenty-five cents a ton on all the Eastern lines, and when followed by the purchase of a large interest in three bituminous roads by the Pennsylvania Company, creating a sharp rise in the securities of all carriers of soft coal, it made possible dividends by many roads whose outlook was previously not bright.

The development of the community of ownership idea was instanced very prominently in November, when it became known that the Great Northern, the Union Pacific and the Northern Pacific railroads had made an alliance through an interchange of stock which will result in a cessation of competition and the abolition of needless expenses, including the consolidation of the competing Pacific steamship lines. It was evidenced again during the same month in the election of the first and third vice-presidents of the Pennsylvania Railroad to positions as directors of the Baltimore & Ohio. About the same time the Southern Railway bought the St. Louis Air Line, increasing its own mileage to 7,260 miles, and giving the shortest road by forty-three miles between Louisville and St. Louis. Early in November the New York Central absorbed the Boston and Albany by securing a lease for ninety-nine years. By the addition of 202 miles of main and 187 miles of branch and leased lines, the New York Central is now able to send its western freight directly in and out of Boston.

In no stronger way could this co-operation idea have been emphasized, however, than in the early part of December, when J. P. Morgan & Co., for the Erie Railroad, bought the Pennsylvania Coal Company, which was the backer of a projected new anthracite coal

¹ Contributed by Ferdinand H. Graser.

line to Kingston. With the purchase of this stock, the Erie became a coal owner as well as a coal carrier, and it would seem that the anthracite combine has fully secured itself in control. The entrance of James J. Hill, of the Great Northern, into the Erie directorate on the day following the purchase, opened the way for a coalition of interests between William K. Vanderbilt, J. Pierpont Morgan, A. J. Cassatt, Mr. Hill and James Speyer. The roads controlled by this coalition are the Baltimore & Ohio-Erie combination; the New York Central-Pennsylvania combination, which includes the Delaware & Lackawanna, the Reading and the Ontario & Western, among the anthracite coalers; and the Chesapeake & Ohio and Norfolk & Western among the bituminous roads, with the Southern Railway, the Lehigh Valley, New Jersey Central, and the Delaware & Hudson. From this time, the anthracite roads may be operated on a more economical basis. Under the control of a group of financiers, it will simply be a question of how much hard coal the market will absorb at uniform prices.

Community of ownership is the product of a natural evolution. Rates had been going lower and lower, and the laws will not allow railroads to pool traffic. The only alternative was for strong interests to secure a foothold in various properties. The year closed with a majority of railroad stocks at the highest point in their history.

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The death of Henry Villard, on November 12, removed another of the chiefs of the era of great railway construction. Under his presidency, the Northern Pacific was successfully financed to completion in 1883. A few months after this triumphal opening, the road suffered financial collapse, carrying down with it the president's fortune. But he retained the confidence of European investors, and six years later was again at the head of the property. The panic of 1893 again dragged the company down, and since then Mr. Villard has led comparatively a retired life as proprietor of the New York *Evening Post*.

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There was great outcry in September when the steel-rail trust fixed the price of rails at \$26 a ton, and it was loudly proclaimed that railroads would not buy at that price. The Pennsylvania Railroad began the buying almost immediately, however, with an order for 50,000 tons, and there has been no cessation of orders, both large and small, since that time, at the price fixed.

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In the latter part of November the first cargo of Western grain by a new Canadian route was shipped from the Great Northern Railway elevator in Quebec, for Liverpool. By this route grain is brought from

Duluth by lake steamers to Parry Sound, on Georgian Bay, where it is taken out of the vessels at deep-water berths alongside an elevator of a million and a quarter bushels' capacity, and placed directly aboard cars for Quebec. Eight hundred miles of distance is thus cut off by diverting the grain from Buffalo and New York.

Exploitation of Stockholders.—Indications are accumulating that the stockholders of the recently formed industrials are to pass through the same ordeal of exploitation, which railway stockholders have so often experienced. When these companies were organized, two facts were brought forward in evidence of their financial strength and stability: (1) the large holdings of preferred stock by insiders, (2) their small indebtedness. These advantages possessed by the industrials were justly considered of great value. Without a bonded debt they could not become insolvent, and the interests of the preferred stockholders could be served in no other way than by fair, wise and honorable management. Since the election, however, the insiders, that is to say, those who were prominent in organizing the industrials, and who from their experience and standing, as well as on account of their stockholdings, have been retained in control, have very generally unloaded their preferred stock upon the unsophisticated public, thus destroying one safeguard against interested mismanagement. At the same time there is abundant talk of bond issues for extensions and improvements. The recent purchase of 75,000 acres of coal lands in Southwestern Pennsylvania is reported to have been on account of the steel trust, the purchase price having been in some cases four times the face of the option, and although it cannot be proven, past experience inclines strongly to the opinion that those in control of the company were active on both sides of the transaction. A more apparent operation was the attempt of Mr. John W. Gates, and his associates in the control of the American Steel and Wire Company, to secure a large issue of bonds for the purpose of purchasing from them a fleet of ore boats at a price which, it has been proven, was more than twice their cost to the promoters of the transaction. Reports of similar transactions are heard in reference to other companies. These operations have for their object the enriching of directors and their friends at the expense of the general body of stockholders. Those in control take advantage of their position of trust and responsibility to mulct the owners and endanger the company. The result is that corporations thus maltreated are burdened with debt for which no adequate equivalent in increased earning power is obtained. If persisted in, such practices inevitably lead to bankruptcy. The over-capitalization of many American railroads, which has been the most important factor in producing our several

epidemics of railway receiverships, was directly due to similar practices during their construction. Many of the roads were compelled to pay large sums of interest on bonds, the proceeds from which had gone, not into capital construction, as the stock and bondholders had a right to expect, but into the pockets of construction companies composed of promoters, directors and their friends and associates. Such practices are now generally frowned upon by reputable financiers. The investment interest in railways has grown so strong that speculative transactions of all kinds are severely reprobated and heavily punished wherever detected. Established industries are conducted in the light of day. Their reports are frankness itself. No suspicion of speculative transactions, "inside" manipulation, attaches to their directors. The recently formed corporations, however, are repeating the early misdeeds of the railroads. They began by exploiting the common stockholder. Unless checked by the pressure of financial opinion, they will end in insolvency and reorganization, out of which their directors will reap a rich harvest. In conclusion, the following quotation from the *Railroad Gazette* of April 21, 1892, is precisely in point. It applies to the duties and responsibilities of railway directors, but can be also applied with equal justice to the industrials:

"The position of director in any company whose enterprise involves extensive contracts for construction or supplies, is one of peculiar temptation. The opportunities and inducements for manipulating the plans and contracts of the company, in such ways as to realize a profit to oneself, instead of laboring solely for the company's interest, are often too great for human integrity. The instances have been numerous, as every one acquainted with the history of railway building knows, in which the original company has been squeezed, bled, nay, eviscerated by its own directors, they pretending to negotiate contracts or make leases or sales on behalf of their stockholders, while they have themselves been the active men to profit in various concealed ways, by the arrangements they have made. The course of decisions in the courts shows that such devices have little strength to resist an earnest legal investigation; that the law has more power than injured stockholders may suppose to overthrow such schemes, and restore the assets to their rightful owners. . . . The general principle has been applied to railroad directors specifically in many instructive cases and under a variety of circumstances. The duty of such director to act for the benefit of the company and as its representative has been repeatedly recognized. He cannot become individually interested in a construction contract on the roads, nor in a purchase of property which he ought to buy for the company; and if he makes a contract

on behalf of the company, in which he reserves or afterwards acquires an individual interest, such contract may be repudiated on behalf of the company."

It is to be hoped that the example of the stockholders with the American Steel and Wire Company, in thwarting the designs of Mr. Gates and his associates, and reducing the price to be paid for the ore fleet, will be generally followed to the great gain of the companies whose stockholders are thus prepared to assert their rights. E. S. M.

Difficulties in the Way of American Export Trade.—The success of the United States in the export trade has been due to two factors, (1) cheap and abundant raw materials, (2) low cost of production due (*a*) to the larger use of machinery, (*b*) to the energy and initiative of American workmen, and (*c*) to the relatively small share of the product, as compared with English wages, which American workingmen have been content to receive. It is not to be expected that these advantages over our foreign competitors will continue in their present degree. Our supremacy in raw materials is already passing from us. Take iron for example. The richer ores of the Lake Superior region are approaching exhaustion and the lean ores are being resorted to. Furnace men have accepted the situation and are everywhere lowering their requirements. Then, too, the increasing vogue of the open-hearth process in the United States signalizes the descent to a lower grade of iron ore. Europe has abundant supplies of non-Bessemer ores, and on this account the United States is destined to lose this point of advantage. American coal, as compared with foreign coal, has recently risen in price. The unrestricted competition in the bituminous coal trade which has been of such great benefit to manufacturers has been stopped by the consolidation of the coal roads and the purchase by allied interests of large areas of coal land. Recent evidence of the effectiveness of this limitation of competition is afforded by the difficulty which the bituminous operators experience in getting cars for shipment to markets which are congested. At the same time, the prices of foreign coals are rapidly declining, showing that the recent advance was due to abnormal conditions not likely soon to be repeated. Our exports of breadstuffs and meat products tend to decline as our increasing urban population increases the domestic demand for foodstuffs. A smaller surplus at a higher cost is thus available for export, while Argentine, Australia and Russia are increasing their consignments to European markets. Our exports of lumber products must soon decrease with the exhaustion of our timber supply. Our export of petroleum is threatened by the increasing yield from the Russian oil fields. The only raw materials in which our present advantage promises to endure are cotton and

copper. The United States is no longer a new country and must rely more largely upon manufactures to fill up the measure of her export trade.

In manufactures again our present advantages over our competitors cannot endure. American machines and methods are already being generally copied by foreign producers, and our monopoly of mechanical excellence we cannot hope to retain. Especially in the field of transportation is this equalization of advantage to be remarked in the rapid introduction of American locomotives and handling machinery on foreign railways.

American labor is demanding a larger share in the product. The growing power of labor unions is everywhere manifest, and in spite of the consolidation of capital, the growing disposition on the part of the labor leaders to demand higher wages threatens a general increase in the cost of production of American manufactures. The United States is passing into the era of labor wars from which Great Britain is just emerging, and the result of the conflict must lessen our international advantage.

By the foregoing it is not meant to affirm that our international advantage will disappear. The seat of the lowest cost of production will always remain, in all probability, in the United States. It is well, however, to recognize that the popular estimate of this advantage must be greatly qualified if a true conception of our future position in international trade is to be obtained.

E. S. M.

Business Failures.—In the issue of January 26, "Bradstreet's" presents the statistics of failures in the United States and Canada for a series of years and classifies them according to credit ratings, liabilities, capital employed and primary causes of failure. A condensation of these tables is appended.

STATISTICS OF FAILURES IN THE UNITED STATES AND CANADA.

I. *Credit Ratings of Those Who Failed.*

	1894.		1897.		1900.	
	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.
Total number failures	14,588	100	15,008	100	11,249	100
Number failing which had very moderate or no credit rating .	10,358	71	11,820	78.8	9,531	84.7
Number failing rated in good credit	4,005	27.4	3,004	20	1,558	13.9
Number failing rated in very good credit or higher	225	1.6	184	1.2	160	1.4

II. *Liabilities of Those Who Failed.*

	1894.		1897.		1900.	
	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.
Total number failures	14,588	100	15,008	100	11,249	100
Total with less than \$5,000	9,189	62.9	10,737	71.5	7,394	65.7
Total with \$5,000 and over	5,399	37.1	4,271	28.5	3,855	34.3
Total with \$5,000 to \$20,000 . . .	4,011	27.5	3,688	24.6	2,817	25.1
Total with \$20,000 to \$50,000 . . .	886	6.1	393	2.6	649	5.8
Total with \$50,000 to \$100,000 . .	270	1.9	106	.7	216	1.9
Total with \$100,000 to \$500,000 . .	209	1.4	68	.5	158	1.4
Total with \$500,000 and over . . .	23	.2	11	.07	15	.1
Total with \$1,000,000 and over . .	9	.06	5	. . . .	10	.08

III. *Capital Employed by Those Who Failed.*

	1894.		1897.		1900.	
	No.	Per Cent.	No.	Per Cent.	No.	Per Cent.
Total number failures	14,588	100	15,008	100	11,249	100
Total with \$5,000 or less	12,936	88.7	13,351	91	10,595	94.2
Total with \$5,000 to \$20,000	1,103	7.6	1,134	6	374	3.4
Total with \$20,000 to \$50,000 . . .	370	2.5	326	2	160	1.4
Total with \$50,000 to \$100,000 . . .	111	.8	100	.6	62	.5
Total with \$100,000 to \$500,000 . .	60	.4	93	.4	51	.4
Total with \$500,000 to \$1,000,000 .	8	.05	4	.06	6	.05
Total with \$1,000,000 and over . . .	. . . .	. . . .	2	. . . .	1	.01

The evidence here presented appears to show that under normal conditions the individual or corporation of large capital and good credit has little to fear in the conduct of a business. The enormous preponderance of bankruptcy, in the number of those who fail, in their liabilities, and in the capital involved, is made up of those whose operations are conducted on a small scale. A caution should be interposed, however, in order that undue emphasis may not be placed upon the small number of failures when both capital and liabilities are large. One firm with \$1,000,000 capital is equal to two hundred firms with \$5,000 capital apiece, and in its consequences to general business the failure of one million dollar house is often more disastrous than the downfall of hundreds of small enterprises. Then, too, the reader must be cautioned against the unconscious inference from these tables that the number of houses of large capital is at all large in com-

parison with the total number of those in business. It is in fact an insignificant fraction. If the number of individuals, firms and companies with less than \$5,000 capital could be compared with the number having capitals of \$1,000,000 and over the chances of bankruptcy, as between large and small enterprises, might be more accurately determined. In the absence of such a computation it is unsafe to draw from the statistics presented the conclusion that the field of industry and trade is to be given over to the dominion of large capital.

A more instructive study is presented by the analysis of failures according to their primary causes.

*Liabilities of Failures in the United States, including Territories,
1897-1900 (\$000's omitted).*

	1897.	Per cent.	1900.	Per cent.
Incompetence	\$16,305	11.6	\$16,998	13.1
Inexperience	2,325	1.	4,046	3.2
Lack of capital	37,447	22.9	30,231	2.4
Unwise credits	8,421	5.7	2,742	1.6
Failures of others	9,812	6.5	5,832	4.0
Extravagance	1,132	.8	1,230	.7
Neglect	1,603	.7	1,677	.8
Competition	4,392	2.3	3,582	2.4
Specific conditions	30,360	21.7	40,376	32.7
Speculation	8,072	5.8	4,813	3.2
Fraud	18,624	13.0	11,182	9.0

The following conclusions may be drawn from these figures:

1. The proportion of failures due to competition is exceptionally low. Contrary to general opinion the number of failures due to this cause is exceptionally small, only 2.3 per cent (in 1897) of the total, and it furthermore shows no decrease since the organization of the trusts has tended, as generally believed, to eliminate competition.

2. The general revival of small enterprise is evidenced by the considerable increase in the number of failures due to inexperience.

3. The incompetence of business men shows no decrease, but rather a considerable advance from 11.6 per cent of the total number of failures in 1897 to 13.1 per cent in 1900.

4. An easy money market is seen in the decrease in the number of failures due to lack of capital, and also an increase of confidence on the part of investors.

5. The claims of the trust promoters that combination decreases bad debts is vindicated by a decrease in the proportion of failures due to unwise credits from 5.7 per cent to 1.6 per cent of the total.

6. Speculation and fraud among business men, if we may judge from the decrease in the number of failures due to these causes, have greatly diminished.

7. Specific conditions, which means in general the state of the market, are responsible for the largest number of failures.

The classification by groups of states is also presented.

Liabilities of Failures Due to Various Causes by Groups of States, 1897-1900. (\$000's omitted.)

	INCOMPETENCE.				INEXPERIENCE.				LACK OF CAPITAL.			
	1897.	Per ct.	1900.	Per ct.	1897.	Per ct.	1900.	Per ct.	1897.	Per ct.	1900.	Per ct.
Eastern	7,138	43.8	9,120	53.9	425	18.8	156	4.1	2,214	5.9	3,395	11.2
Middle	3,819	23.4	2,394	14.1	189	8.4	2,350	63.5	14,924	40.0	11,766	39.0
Southern	517	3.1	1,689	9.9	278	12.3	292	7.8	3,561	9.5	3,757	12.4
Western	3,290	20.2	1,960	11.5	711	31.5	457	12.2	12,228	32	7,157	23.7
Northwestern	993	6.1	1,146	6.7	624	27.7	435	11.7	2,762	7.4	2,603	8.4
Pacific	502	3.1	610	3.7	22	.9	26	.7	1,540	4.1	1,422	4.7
	UNWISE CREDITS.				FAILURES OF OTHERS.				EXTRAVAGANCE.			
	1897.	Per ct.	1900.	Per ct.	1897.	Per ct.	1900.	Per ct.	1897.	Per ct.	1900.	Per ct.
Eastern	419	5	229	8.6	2,130	2	974	16.7	284	25.3	270	22.4
Middle	5,448	66	715	26.9	1,845	18.7	2,473	45.8	429	38	479	38.2
Southern	478	5.8	286	10.7	2,462	25.1	348	5.9	96	8.5	122	9.7
Western	824	10	463	17	1,517	15.5	610	10.4	233	20	264	21.9
Northwestern	985	11.9	953	35.5	847	8.5	323	5.3	67	5.9	28	2.2
Pacific	74	.9	7	.2	958	9.7	901	15.3	11	.9	83	6.6

	NEGLECT.				COMPETITION.				SPECIFIC CONDITIONS.			
	1897.	Per ct.	1900.	Per ct.	1897.	Per ct.	1900.	Per ct.	1897.	Per ct.	1900.	Per ct.
Eastern	348	22.0	267	16.9	1,764	37.8	2059	56.1	5,670	11.3	2,845	7.0
Middle	335	20.7	700	43.7	1,232	26.7	549	15.3	14,342	28.4	28,978	71.6
Southern	347	22	145	8.7	266	5.8	105	2.7	8,580	7.0	4,531	11.2
Western	262	16.3	270	16.8	255	5.4	429	12.0	10,797	21.4	2,475	6.1
Northwestern	207	13.2	194	11.8	96	1.9	38	1.1	7,599	15.1	794	1.9
Pacific	92	5.7	21	1.2	975	21.1	397	11.0	3,218	6.4	798	1.9

	SPECULATION.				FRAUD.			
	1897.	Per ct.	1900.	Per ct.	1897.	Per ct.	1900.	Per ct.
Eastern	1,618	20.2	2,653	24.8	8,543	46.4	3,717	39.0
Middle	3,068	38.3	7,210	67.9	3,531	19.2	2,528	26.5
Southern	1,227	15.3	329	3.1	2,255	12.2	1,015	10.6
Western	1,285	16.4	113	1.0	2,076	11.3	989	10.3
Northwestern	420	5.2	205	1.8	1,173	6.3	801	8.4
Pacific	390	4.8	102	1.0	788	4.3	480	5.0

MAY.

1901.

ANNALS
OF THE
AMERICAN ACADEMY
OF
POLITICAL AND SOCIAL SCIENCE.

AN ISTHMIAN CANAL FROM A MILITARY
POINT OF VIEW.

Assuming that an Isthmian canal will be built by the United States, the question arises how can it be made to subserve the best interests of the government from a military point of view. Should it be free to the vessels of all nations on the same terms, in war as well as in peace, or should it be controlled by military power so that its use by our enemies in time of war could be prevented?

It is not proposed to discuss the cost of putting the canal under military control nor the ways and means of so doing. It will be assumed that it can be put under military control, or that it can be made free at the pleasure of the United States.

An Isthmian canal cannot be built within much less than ten years. What the relative naval strength of the various powers will be at the end of that period it is impossible to tell. Moreover, it is not easy to assign the proper place to some of the naval powers to-day. One nation may be strong in defensive but relatively weak in offensive power. The number, size and power of battleships and cruisers may not furnish the correct data for assignment of place. Naval

training and geographical positions are important considerations. The sub-marine boat is an unknown factor. But judging by the official lists, the principal naval powers have not greatly altered their relative positions in the last ten years. The United States and Japan have forged ahead; Spain and Italy have fallen behind. The eight strongest naval powers stand about as follows:

1. Great Britain,
2. France,
3. Russia,
4. United States,
5. Germany,
6. Italy,
7. Japan,
8. Spain.

Of these Great Britain and France are decidedly stronger than the United States. Russia, the United States and Germany are approximately equal; and all others decidedly inferior.

War may take place between the United States and any of the other named powers, or combinations of two or more, or it might be with one of those allied to some weak power not in that list. It is impossible to foretell all the combinations that might arise, but it is probable that, if an alliance of any two or more Powers should make war against the United States, we also would have allies; so that in dealing with the question we shall consider only the cases of war between the United States and a single Power.

Let us suppose a war exists between the United States and some nation of inferior naval power: What effect would the existence of the canal have on the operations of either belligerent? The nature of the operations both of the United States and of the enemy would depend largely on the geographical position of that enemy, the more or less maritime character of the people, and the value of her commerce and colonial possessions. Our policy would be to

attack her war vessels wherever they could be found, shut them up in harbors by blockade if they could not be reached, bombard naval stations, possibly invade her territory if the conditions favored and the probable results justified it.

Japan, a young and vigorous naval power, occupies a favorable geographical position to operate against us in the far east, and is fairly well provided with modern cruisers for attacking our commerce in the Pacific. An attack on the Philippines is within the limits of probability. If successful, Japan might even make a naval demonstration as far eastward as our Pacific coast, but it is difficult to understand how a condition of affairs could arise that would make it desirable for her to send a fleet through an American-Isthmian canal to the Atlantic side: such an event could only happen in case our navy in the Pacific were destroyed, and that on the Atlantic side perilously weak—a condition, which it is safe to assume, is not likely to arise in a war with Japan.

As for the European nations that are inferior to us in naval power, none are capable of conducting important naval operations against us on either the Atlantic or Pacific sides of the United States, and none are provided with naval bases of supply in such proximity as to cause us any alarm. Some of them might send out cruisers to prey on our commerce, but they would not be sent through an American Isthmian canal to do so.

Of the republics of South and Central America it may be said, first that they do not possess sufficient naval strength to give us any concern, and second that their interests are so closely interwoven with ours that war between any of them and the United States is scarcely probable. But if it should occur, none of them would send their war ships through an Isthmian canal. The greatest danger would be in the possibility of the canal being damaged by a few men, and this danger would be greater if the canal were fortified than if it were neutral.

It is safe, therefore, to conclude, that in a war between the United States and a nation of inferior naval power, the canal would be of no value to our enemy under any circumstances, while a neutral canal would be as serviceable to the United States as one thoroughly fortified.

The nations that are approximately equal to the United States in naval strength are Russia, Germany and Italy. Measured by tonnage the first of these has a navy about 25 per cent larger than that of the United States; measured by number of vessels, it is more than double that of the United States. But Russia is so situated geographically that operations against us could only be carried on at a disadvantage. She has a position at Vladivostock which is reported as being strongly fortified. It will soon have railroad connection with the capital of the empire and will become an important base in the East. It lies uncomfortably close to the Philippine Islands, which are far removed from the support of the United States. The harbor of Vladivostock, however, is impaired by climatic conditions. The cold is so intense that the harbor is closed by ice for several months in the year. To reach the Philippine Islands and our commerce in the Pacific, the Suez route for Russia is shorter, better and less liable to interruption than one via an American Isthmian canal.

The geographical position of Italy is not good for conducting hostile operations against the United States. Like Russia, she has neither coaling nor supply stations on this side of the Atlantic. In tonnage she is below, but in number of war vessels she is above, the United States. She has an immense fleet of torpedo boats, a comparatively small number of fast cruisers, and is far behind the United States in modern built ships. Some of her battleships a few years ago were regarded as the most formidable afloat, as they carried the largest guns in existence. But these ships are not well adapted to operating at a long distance from a base.

It is difficult to see how Italy could do us much harm on

the Atlantic side. A swift cruiser might capture some of our merchant vessels, but that Italy should contemplate sending a fleet through an American Isthmian canal to the Pacific is preposterous. Should she make a naval demonstration in those waters it should be in the extreme western part, most probably in the vicinity of the Philippine Islands, and for this purpose the Suez route is shorter, safer and in every way better. Italy is more of a commercial nation than Russia, but her commerce does not amount to much, consisting chiefly of fishing vessels that never go far away from home. She has no important colonies. Those in Eastern Africa are not of sufficient importance to warrant the cost of an expedition for their capture, and their loss to Italy would not have an important influence on the war.

Germany and the United States are more nearly on an equality in naval strength than any other two important naval powers. In tonnage they are nearly equal, in modern built ships the United States is ahead. Germany has, however, a great number of torpedo boats and many of her cruisers are what are known as unprotected. The naval program of Germany would make her the superior of France in fifteen years if the latter remain stationary. In other words, she would become in 1916 the second maritime power of the world, if her program be carried out and if the navies of other nations do not advance. Germany, however, has no colonies or supply stations on the Atlantic side of the United States in close proximity to our shores; her nearest colony is in Africa, too far removed to be of much use in a war with the United States even if it were otherwise advantageous.

On the Pacific side Germany has supply stations but they are few and far from the shores of the United States; but to attack us on that side Germany would not use an American Isthmian canal. The Suez route is better and less liable to be interrupted.

In the late war, Spain and the United States were generally

considered to be approximately equal in naval strength, yet an Isthmian canal, whether free or fortified, would not have rendered the results more decided nor have hastened the conclusion. Neither Dewey's victory at Manila nor Sampson's at Santiago could have been made more complete by the existence of a canal, nor could the operations of our armies have been facilitated. The *Oregon* might have reached the scene of operations sooner, but that would not have helped matters as the sequel proved. If the canal had been in existence and *partially* fortified, it would have been considered a vulnerable point of attack, particularly when Cervera's fleet was on the way across the ocean. A detachment of a part of our fleet to assist in the defence might have become necessary. In that case the blockade of Havana could not, in all probability, have been made effective.

In a war, then, between the United States and any nation of approximately equal naval strength, the canal would not be used by our enemy, while a neutral canal would be as useful to the United States as a fortified one.

There are only two nations whose naval strength is decidedly superior to that of the United States, these are France and Great Britain. The total naval tonnage of the former is nearly double that of ours, but much of it is in vessels of an old type. Fort de France, on the Island of Martinique, one of the Windward Islands on the east side of the Caribbean Sea, is a commodious, deep-water harbor. In old times it was a strongly fortified place and is susceptible now of being made impregnable against naval attack. It affords a fine rendezvous for a French fleet within striking distance of the canal.

If the canal were fortified France, under the laws of war, would have the right to capture, destroy or blockade it, if she could, but naval control of the Caribbean Sea would be necessary for its capture or blockade. Whether or not France would wish to do either, would depend on circumstances. If she did, a struggle would necessarily take place for naval

supremacy in the Caribbean Sea. But if the canal were neutral France, without a violation of the laws of war, could neither blockade, destroy nor capture it. She would therefore have less reason to strive for supremacy in the Caribbean, and the United States would get the full use of the canal without the necessity of fortifying it.

Would France wish to use the canal in case it were neutral and she became victorious in a combat on the Caribbean Sea? We think not, her victorious fleets would undoubtedly have a short route to the Pacific coast, but she would not be likely to send them through it. If an accident happened to the canal while she depended on it as a line of communication, her fleets would be placed in an awkward predicament. Moreover, there is better game on the eastern side more easily reached. On the other hand, if we became the victors in an engagement on the sea, the enemy's fleet would fall back on Martinique or re-cross the Atlantic; but it is not probable that a beaten French fleet would try to escape through an Isthmian canal westward, even if it were freely open. In operating against the Philippines France would use the Suez Canal.

Great Britain is by far the most formidable naval power in the world, whether measured by tonnage displacement, by number of ships, by weight of armor, or gun power. Her tonnage at the present time is nearly five times that of the United States, and more than double that of any two nations of the world combined. Her ships are of the latest types and the personnel of her fleet is in a high state of efficiency.

Great Britain is a commercial nation and dependent on the outside world for her subsistence. Her foremost object would be to keep open her avenues of trade, destroy everything that could threaten them, and render her adversary incapable of interfering with them. In a war with the United States, her first aggressive operations would doubtless be on the Atlantic side, for which Great Britain is well provided with good bases in close proximity to our shore.

Halifax is near our northern coast, Bermuda is distant only about eight hundred miles east from Charleston, while the Bahamas and Kingston are close to the southern coast. These stations form a cordon around our coast which would menace the operations of our navy, and from which Great Britain could operate against our coastwise commerce at her leisure.

If the canal were fortified a garrison would be stationed there. To keep open communications between it and the United States would become a matter of the most vital concern. To destroy those communications would therefore be an object of the highest importance to Great Britain. She could afford to weaken herself temporarily at other points in order to accomplish this, and we would be compelled to concentrate the bulk of our navy in the Caribbean Sea to maintain them. With five battleships to our one, and with Kingston, a deep, well-fortified and commodious harbor, as a base of operations, Great Britain would have every chance in her favor.

The Caribbean Sea would thus at first become the chief theatre of war on the Atlantic side, and the canal itself a military outpost, which could only be reinforced by troops conveyed to it by water. Now, a navy to be efficient, must have freedom of action. If it be fettered with the task of keeping open this line of communications in the face of a powerful foe, its efficiency would be lowered, if not destroyed.

We could not depend on maintaining communication on the west side with our Pacific seaports. This line is too long and too easily broken. That Great Britain might eventually capture the canal is not beyond the range of possibility. The fact that it would be a most valuable prize, and its loss to the United States so detrimental to our interests as well as our prestige, would induce Great Britain to exert her utmost powers. If by any unfortunate circumstance adequate defences or sufficient troops were not pro-

vided prior to the breaking out of war, the capture of the canal might become comparatively easy to a nation in control of the sea on each side.

An Isthmian canal to be of service to the United States presupposes that passage to it, through it and from it is assured. But passage to or from it in case of war with a strong naval power, could only be maintained by a strong naval force. If the canal bristled with guns from one end to the other it would be of no use to the United States, while a powerful hostile fleet dominated the Caribbean Sea. The nation that controls the adjoining seas will, in time of war, control passage through the canal, no matter which one has possession.

The canal will be located in a region that is practically uninhabited. A few resolute men could disable it with little danger to themselves. This danger of being temporarily disabled is a serious one even in a war with a weak naval power. The destruction of a lock or embankment, which could be accomplished with a few pounds of dynamite, would bring about a total suspension of navigation for an indefinite period.

Suppose France owned, controlled and managed the Suez Canal, what advantage would she derive from its being fortified in case of a war with Great Britain? Simply that of being able to deny its use to Great Britain, a negative benefit the value of which is more than doubtful. The canal would become a military outpost impossible to reinforce unless the British Mediterranean fleet could be destroyed or evaded. The concentration of British fleets might be somewhat delayed, but that is all. The mere ability to force delay would not be decisive. Great Britain in control of the Mediterranean and Red Seas, would control the approaches, and though she could not send her own fleets through it, she could effectually prevent France from reaching it. France would thus be placed in the position of holding a military station of no value to herself, that she could neither abandon

without loss of prestige, nor make her hold on secure by reinforcements.

The same would hold true with reference to an American Isthmian canal in a war between the United States and Great Britain. Perhaps Great Britain could not capture the canal. She might not wish to, but by blockading it she could destroy its usefulness to the United States.

From a military standpoint the canal is valuable only as a shortened line of communication. It has no other value. It does not serve as a good base of operations in a war with a strong naval power. It occupies no threatening position in a war with Great Britain. No prudent naval commander would hold a fleet in Lake Nicaragua or Lake Bohia to spring out on the foe in either ocean, as has sometimes been suggested. If our enemy be weak it would not be necessary, if strong, the danger of being bottled up is too great.

The canal is simply a link in the chain of communications. No chain is stronger than its weakest link. Forge it as you will, the weak link in a war with a stronger naval power than ourselves, is on either side. Munitions of war and troops would ordinarily be transported across the continent by rail, as that is a more expeditious route. As a line of communications it is badly located when considered in a war with a superior naval power. Instead of being in a protected position behind the main line of defense, it is out beyond the skirmish line.

An adequate defense of a fortified Isthmian canal can be made in no other way than by providing a navy of sufficient power to control the seas at either terminus. With such a navy at our command, the canal needs no fortifications. What number of battleships, cruisers, etc., would be necessary to accomplish this end, we do not feel competent to estimate; that is a question for naval experts to determine.

Suppose, on the other hand, the canal were neutral. It

would not then become a prize of war. Neither the maintenance of an army to protect it nor of a fleet to keep open communications with it, would be necessary. Great Britain might possibly send ships through it, but even that is doubtful. The most that could be gained by doing so is a saving of time. Under some circumstances this might be an important matter. But the naval preponderance of Great Britain is such that time would be of less importance to her than to us. It is scarcely probable that it would ever be so important to her as to justify her in taking the risks of sending a fleet through a canal under American control.

The canal is of more value to the United States than to any other nation. To keep it and the approaches open at all times would therefore be the aim of our government. But no amount of fortifications along the line of the canal will afford safe passage to a ship across the Caribbean Sea.

It is believed, in consideration of the freedom of the canal extended by the United States to the ships of all nations, that those nations would agree to an arrangement by which the region of the canal and large areas of the sea at each terminus should be exempted from the operations of war. The larger these areas of neutrality the better. But in view of the benefits to mankind which the United States would confer by the construction of the canal, there ought to be no serious difficulty in securing areas of the sea bounded by arcs of circles described with radii of, say, 100 miles or more. Should such an agreement be violated by any nation that is a party to it, the United States could destroy the canal, if necessary, so as to render it impossible of being used against us. As no nation except Great Britain would wish to use the canal for any other than peaceful purposes of commerce, and as she probably would have no strong reason for using it in any other way, it is not seen why such an agreement might not be made. How such a status of the canal and adjacent waters can be effected are matters for

statecraft to settle. The object of the foregoing remarks is to endeavor to show that a neutral canal with a large area of neutral waters at each terminus, is, in the existing status of the naval powers of the world, a more useful canal to the United States, from a military standpoint, than one that is controlled by military power.

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THE NEUTRALIZATION OF THE SUEZ CANAL.

The Turkish Sultan, Mustapha III., is reported to have once remarked: "If a happy circumstance can dictate alterations in immutable laws, the canal from the Red Sea to the Mediterranean will one day become the basis of a new rule of international law." Mustapha's words were truly prophetic, for, to the student of international law and its history, the case of the Suez Canal presents an interesting and important example of the adaptation of the rules of international jurisprudence to altered conditions and changed circumstances. For, up to the third quarter of the last century, jurists were almost entirely silent regarding the legal status of artificial canals connecting two seas and utilized by the public and private vessels of several states. They have discussed alone the legal necessities of existing conditions, and consequently have had no occasion to deal with cases which, under then-existing conditions, could not arise. The Suez Canal was, at the time of its construction, a work so unique that it would be idle to consult the file of precedence in the hope of finding precept or rule such as would throw any light upon its legal position. But no small portion of the present body of international law has had its origin in the continual extension of simple principles to complex cases and in the detection of analogies between new and old sets of facts. The great but simple rules of Hugo Grotius respecting the freedom of the high seas have, in later centuries, received applications of which their author could have had no conception. The Congress of Vienna, for example, applied the principle to the chief rivers of North-eastern Europe, declaring that the Rhine, Meuse, Scheldt, Moselle and Elbe should be free to the vessels of all nations from the point at which they became navigable down to the sea, thus putting an end to the mass of vexatious regula-

tions and tolls which had hitherto rendered them practically useless as highways of trade. Similarly the principle of the immunity of non-combatant territory and of non-combatant persons has been extended to render immune certain works of international importance such as the artificial entrances at the mouths of the Danube, while the Geneva Convention applied the principle of immunity to surgeons, nurses and others whose intimate connection with combatants had hitherto deprived them of a neutral character. Political necessities, too, had at various times secured the perpetual immunity of whole states such as Luxemburg, Belgium and Switzerland.

The step from an international agreement for the immunity from hostile attack of territories, works and persons, to an agreement for the guarantee of like immunity to an inter-oceanic waterway of the greatest political and commercial importance to many states, was not a long one, and the Suez Canal had not been many years in operation when a movement with this end in view began. But movements of this kind—owing to the number and variety of the interests concerned—progress very slowly, and it was not until nearly two decades had passed that international agreement finally secured for the great waterway a full guarantee of immunity from belligerent operations under all circumstances whatsoever. And in view of the frequency with which, during the recent discussions upon the Hay-Pauncefote negotiations, the action of the Powers in regard to the Suez Canal has been seized upon and advanced as a precedent, it may be well to examine the history both of the canal construction and of the subsequent international negotiations, with a view to discovering whether or not all the essentials of a valid precedent are present.

The importance, commercially and strategically, of a navigable waterway across the Isthmus of Suez had long been recognized. As early as 1798 Bonaparte had caused the route to be surveyed, but his engineers reported the scheme

impracticable, giving as their reason that the Red Sea level was some thirty feet above that of the Mediterranean, and the project was consequently dropped. But about half a century later, a new survey served to show the complete inaccuracy of its predecessor, and a project for the construction of a canal was once more put forward. There was, moreover, another circumstance which rendered the prospects for the successful construction of such a work much more favorable than heretofore—the increased strength and stability of the Egyptian government. From the beginning of the century the political affairs of Egypt had never been satisfactory. On the departure of the French forces, Mehemet Ali had seized the reins of government and had in time been able to wring from the Sultan a more or less indefinite recognition of the authority which he had established in the country. Proving a successful ruler, Mehemet kept up a considerable military establishment, by means of which he was able to make important extensions of his territory. The Sultan, embarrassed with the Greek revolt, was unable to prevent these extensions until after the definite cession of Grecian independence, when an endeavor to curtail the powers of the Egyptian Pascha led to an open rupture. The Porte had, however, underestimated Mehemet's military resources, and the complete assertion of Egyptian independence was in 1832 only prevented by the intervention of Europe. But the Pascha, conscious of Turkish weakness, continued his aggressions till 1840, when he was definitely warned that the Powers would, under no conditions, allow the existence of a new independent Arab empire in the Levant. In that year, Lord Palmerston instructed the British agent at Cairo to warn Mehemet Ali that Great Britain would aid the Sultan in preventing any further extension of the Paschalic powers, and that orders had been given to the British fleet in this regard.¹ In this move

¹ Correspondence relating to the affairs of the Levant. Parliamentary Papers (1841), Part I, p. 502; Part II, pp. 5, 181.

Great Britain seems to have merely acted as spokesman for the other Powers, since the principles of international policy embodied in Lord Palmerston's despatch were fully carried into execution by the convention of London in 1840, whereby Great Britain, Austria, Prussia and Russia agreed to protect the Porte, by coercive measures if necessary, against aggression on the part of the Egyptian government. Accordingly Mehemet threw overboard his greater ambitions, and in 1841 received from the Sultan a firman which laid down specifically the limits of his territories and powers. This firman, which, though several times since amended, is still the legal basis of the khedival power in Egypt, was likewise submitted to the Powers and approved by them, it being at the same time understood that amending firmans should receive the same approval before going into effect. Some years later Lord Clarendon informed the British agent at Cairo "that the great Powers would not allow the Porte to abrogate or diminish the authority of the Khedive without their consent, while, likewise, they would prevent any attempt on the part of the Khedive to extend his authority without Turkish permission."

Thus, it was not till 1840 that the legal status of Egypt had become definitely fixed under the guarantee of the Powers; hence it was only then that the obtaining of a reliable charter to execute a great public work such as that of a canal across the Isthmus of Suez, became for the first time possible. During the course of the forties elaborate surveys were made, and in the early fifties definite proposals for the construction of the canal began to be put forward. Negotiations with the Khedive were undertaken by the French engineer, M. de Lesseps, and on January 5, 1856, these were concluded through the issue of a firman, by the terms of which de Lesseps was given power to form a company, to be called "*La Compagnie Universelle du Canal de Suez*," and to proceed with the work. The influence of Great Britain had, throughout the course of the negotiations, been

thrown against the proposals, as Lord Palmerston deemed that the construction of the canal would be very detrimental to British political and commercial interests. That it did not ultimately prove so was due no more to British commercial enterprise than to the lack of this quality among the people of certain continental countries, who otherwise might have turned the new route to their own advantage.

By the terms of the charter of 1856 the company was given certain territorial concessions for a period of ninety-nine years; was guaranteed the free use of a large amount of forced labor on the part of the fellaheen; and was given certain rights in regard to the construction of subsidiary fresh-water canals and works. In return the company was under obligation to execute the whole project at its own expense, the Egyptian government to be given, when the canal was in full operation, 15 per cent of the net annual earnings; the original shareholders 75 per cent and the promoters the remaining 10 per cent. On the expiration of the period for which the charter was granted, the canal with all its appurtenances was to become the property of the Egyptian government. And by Article 14 of the charter the right of free navigation under equal conditions was guaranteed to the ships of all nations.¹ It was this article which, some years later, was utilized by de Lesseps in an endeavor to prove that the canal had been "neutralized" by the terms of the company's charter. The terms of the charter were deemed satisfactory and the work of construction commenced. But at this point the Sultan stepped in and declared that those clauses in the charter which had made concessions of territory and which had placed the forced labor of the fellaheen at the company's disposal were *ultra*

¹ We solemnly declare, for ourselves and our successors, that the Grand Maritime Canal from Suez to Pelusium, and its dependent ports, shall be open forever, as *neutral passages* to all ships of commerce passing from one sea to the other, without any distinction, exclusion or preference of persons or nationalities, on payment of the dues and compliance with the regulations established by the Concessionary Universal Company for the use of the said canal and its dependencies.

vires of the Khedive. This turn in affairs caused a suspension of operations, the company making claim against the Egyptian government for damages consequent upon a breach of contract. However, the matter was submitted by both parties to Napoleon III., with the result that the Khedive was adjudged liable to pay the sum of £3,360,000 indemnity. The original capital of the company had been fixed at £8,000,000, of which sum the Khedive had himself subscribed about three-and-a-half millions, the balance being taken up by the various European financial houses in £20 shares. But by the time the canal was formally opened in 1869, successive issues had brought the total capital up to more than £17,000,000.

The opening of what M. Gambetta called "the carotid artery" between East and West was an event of great international importance, more especially to such of the European Powers as had territorial and commercial interests in Asia. Prominent among such was Great Britain, the government of which was not slow in realizing that the control of the canal by any other Power would constitute a grave menace to India. During the course of the Franco-Prussian war of 1870-71 no attempt was made by either Power to engage in belligerent operations within the limits of its waterway or ports, but the danger of such was, nevertheless, made apparent, and in 1873 an International Commission summoned at Constantinople on the invitation of the Sultan, agreed upon the general principle "that the navigation of the canal should *at all times* be equally enjoyed by the vessels of all nations." This declaration (6-14 December, 1873) was accepted by the Porte, by the president of the canal company and by the Powers, but it in no wise specifically prohibited belligerent acts within the waters of the canal and its approaches; nor did it serve to secure the waterway against a blockade in case the territorial power should become a belligerent. The inadequacy of the declaration was furthermore demonstrated in 1875, when complications

arose leading to a threat on the part of the company—which was entirely under French control—of closing the canal temporarily to *all* vessels ; a threat which would probably have been carried into effect but for the prompt action of the Egyptian authorities. In view of this situation, the policy of the British government directed itself towards the obtaining of a controlling interest in the company through the purchase of shares, and on November 25, 1875, Disraeli played what proved to be a masterstroke in this direction by buying out, for the sum of £4,000,000, the shares held by the Khedive. This action on the part of the English minister was soundly criticised at home and roundly ridiculed abroad, but both politically and financially the investment proved a wise one, for the purchase made Great Britain the largest individual shareholder in the company, thus giving that Power an undeniable right to a voice in the general management of the canal, while at the same time the shares have greatly risen in marketable value.

Not long after this time the Russo-Turkish war of 1877 began, and there appeared a grave danger that the Mediterranean entrance to the canal would be blockaded by the Russian fleet. Anticipating such an eventuality, the British authorities informed the governments of Russia, Turkey and Egypt “that any attempt to blockade, or to otherwise interfere with the canal or its approaches, would be regarded by Her Majesty as a menace to India and as a grave injury to the commerce of the world.” Further, the British note declared “that Her Majesty’s government are firmly determined not to permit the canal to be made the scene of any combat or other warlike operations.”¹ In reply Prince Gortchakoff declared “that Russia did not propose to blockade, interrupt or menace the canal in any way,” but that, on the contrary, the Russian government considered the canal to be “an international work of such importance

¹ Derby to Lyons (Parliamentary Papers, June 5, 1877). The *Times*, June 6, 1877.

to the commerce of the world that it should remain untouched."

It was this danger and the attitude of Great Britain in regard thereto which led de Lesseps, as president of the canal company, to seize the moment as an opportune one for laying before the British ministry a project for the permanent protection of the freedom of the canal by an international agreement. He accordingly proposed to Lord Derby that the government of Great Britain should invite the chief Powers of Europe to give assent to the following declaration:

*International Agreements as to the Passage of Ships of War
through the Suez Canal.*

"Since the opening of the Suez Canal, in 1869, the complete liberty of passage through the Maritime Canal and the ports connected with it has been respected for state vessels as well as for merchant ships, even on the part of belligerent Powers at the time of the Franco-Prussian war.

"The governments of . . . now agree to maintain the same liberty to all national and commercial vessels, whatever may be their flag, and without any exception: it being understood that national ships will be subject to the measures which the territorial authority may take to prevent ships in transit from embarking on Egyptian territory any troops or munitions of war."

The British Ministry did not, however, receive this proposal favorably, for after due consideration, reply was made to de Lesseps "that the scheme proposed for the neutralization of the canal by an international convention was open to so many objections of a political and practical character that they could not undertake to recommend it for the support of the Porte and the Powers." Lord Derby, some little time later, proposed to the French government that the public vessels of France and Great Britain should jointly patrol the canal and its approaches during the course of hostilities;

and this plan not commending itself to the authorities of the former Power, the Italian foreign office made suggestion of a temporary patrol by a fleet composed of vessels detached for this purpose by all the Powers.

As a matter of fact, the canal was not blockaded during the course of the Russo-Turkish war, but it would be difficult to deny that if Russia—against whom the Khedive had furnished a quota of troops to the Ottoman army—had deemed fit to adopt this method of inflicting an injury upon a belligerent, she would have been quite within her rights at international law in so doing.¹ The position assumed by Great Britain rested—as Sir Robert Phillimore has shown—upon no other basis than that of political and commercial self-interest, together with her ability as the predominant naval power, to make her dicta in the matter respected. It is true that the charter of concession to the canal company (January 5, 1856) had guaranteed the *neutral passage* of the canal to all ships of commerce without distinction of flag. But that the Egyptian government had not, even as between the company and itself, contemplated the immunity of the canal from hostile operations may be seen by reference to another article in the charter (Art. 10), wherein it was provided that the military authorities of Egypt should have at all times the right to occupy strategic positions on the canal banks. Furthermore, no government could—even if it so desired—have divested itself of any of the responsibilities of belligerency through a private contract with a chartered company. The Declaration of Constantinople (December 14, 1873) likewise provided for the *equal*, not for the *free*, use of the canal by the ships of all nations, and the existence of a blockade, shutting out all vessels alike, would have been in no sense a violation of the principle of equality which the Declaration enjoined. This latter had not prevented the canal company from preparing to make good its threat to close the waterway in 1875.

¹ Phillimore, "Principles of International Law," Vol. I, p. 155.

But the dangers of 1877 showed clearly enough the advisability of some concerted action in the direction of neutralization, although as to how such should be effected was by no means so clear. So important did the latter question appear to the jurists of Europe that the *Institut du droit Internationale*, at its annual meeting in Zürich, at once appointed a committee, under the chairmanship of Sir Travers Twiss, to consider the best possible method of securing the immunity of the canal from hostile operations. At the annual meeting of the *Institut*, held in Paris during the course of the following year, this committee reported, but so much discussion arose over the exact import of the word "neutralization" that the Institute contented itself with expressing in general terms its opinion "that it is in the interest of all nations that the Suez Canal be declared, by an international act, free of any hostile attempt during war," reserving the details for future consideration. In 1879 a further report was submitted by the committee, in which four main principles were advanced:

1. That the Powers are agreed that complete freedom of passage through the canal should be always respected by belligerents in the case of ships of war, as well as private vessels.
2. That no troops or munitions of war should be landed along the canal without the consent of the territorial Power.
3. That should the territorial Power be at war, a reasonable time should be allowed to the trading vessels of the enemy to leave the canal.
4. That the *neutrality* of the canal ought to be respected, even when the territorial Power is belligerent.

No opposition was advanced by the members to the first three of the foregoing propositions, but much discussion arose as to what the term "neutrality" as employed in the final proposition, could be held to imply. M. de Martens, of St. Petersburg, advocated the "neutrality" of the waterway in the sense that it should, in time of war, be declared

entirely inaccessible to the warships of belligerents. Sir Travers Twiss pointed out that Great Britain would never be a party to any agreement such as would in time of war, cut off her marine connection with India. Professor Neumann suggested the possibility of creating a "Marine Belgium," but finally the Institute placed its views on record by voting three declarations:

1. That it is to the general interest of all nations that the maintenance of the Suez Canal and its use for communications of every kind shall be, as far as possible, protected by treaty.

2. With this object in view it is desirable that states should come to an arrangement with a view to avoiding, as far as possible, every act whereby the canal and its dependencies might be damaged in time of war.

3. If any Power should damage the works of the canal, it shall be bound to repair, as speedily as possible, the damage, and to re-establish full liberty of navigation.

These declarations were far from satisfying the more ardent advocates of a stringent international control, such as were Professors Martens and Bluntschli; their adoption was only secured through the influence of Mr. Holland. But the proceedings of the Institute—cited here in the absence of any diplomatic discussions on the matter—disclose that, despite the interplay of varied motions and interests, representative jurists of all nationalities were convinced of the desirability of rendering the canal inviolate in time of war through the medium of an international agreement. For, as motives in this direction, the political interests of several states were supplemented by the desire of shareholders in the canal company to obtain the greatest possible revenue in tolls and the wish of shipowners and forwarders of all countries for the securing of an unimpeded transit.

The idea of neutrality was, moreover, not a new one, although there had, as yet, been no instance of the successful application of the principle to the case of an arti-

ficial canal. Not only had territories such as those of Switzerland, Savoy, Belgium and Luxemburg been rendered immune from hostile operations, but the principle of neutrality had been extended to waters in case of the Black Sea—declared neutral by the Treaty of Paris in 1856.¹ The Clayton-Bulwer Treaty of 1850 had in one of its clauses contained the guarantee of the signatory Powers that the canal to be constructed across the Central American isthmus should be “forever open and free,” while a treaty between the United States and New Granada (now Colombia) in 1846—renewed in 1870—had guaranteed the neutrality of the whole Isthmus of Panama.

But while the savants of the Institute were discussing the possibilities of a successful application of the principle of complete neutrality to the Asiatic gateway, the finances of Egypt reached the state which necessitated the joint intervention of Great Britain and France, the governments of which countries assumed control of the Pasha's financial affairs in the interest of European bondholders. A couple of years later came Arabi's revolt, upon which France, after vacillating in its attitude, threw the whole burden of Egyptian affairs upon British shoulders, with the result that the eventual British occupation of Egypt gave a new aspect to the whole question of canal neutralization, for the government of Great Britain now claimed a dominant voice as representing not alone the largest financial and commercial interest² in the canal, but as representing the territorial power as well. The canal company was, however, still completely under French influence and, during the early eighties English shipping interests had complained loudly of discrimination in favor of French commerce alleged to have been made by the canal officials. But

¹ “The Black Sea is neutralized. Its waters and ports, thrown open to the mercantile marine of every nation, are, formally and in perpetuity, interdicted to the flag of war of either of the Powers possessing its coasts or any other Power.”—*Treaty of Paris, Art. XI.*

² In 1883 Great Britain owned nearly half the shares in the canal, while four-fifths of the traffic which passed through was British owned.—Dicey “Nineteenth Century” (August, 1883), pp. 189-205.

now that British influence in Egypt had become predominant, proposals began to be made looking toward the construction of a second canal which should be entirely under British control. In 1882, a proposal in this direction was actually laid before Parliament by the ministry of the day, but that body refused its ratification and the project of a second canal was allowed to drop. But the failure of this new project to receive Parliamentary concurrence served only to strengthen the attitude of the British Ministry with regard to the freedom of the existing channel—an attitude which, first declared in 1877, had been reiterated by Mr. Gladstone in a speech at the Mansion House in 1882, on which occasion he declared that “Egypt having become the great gate between East and West, it is essential for the industry and enterprise of mankind that the gate should be open.” The events of 1882 had, however, even more than the events of 1877, shown the difficulty and the not improbable impossibility in certain eventualities of fully enforcing this canon of British policy for, during the course of the revolt, the temporary success of Arabi’s forces, aided by the all but active sympathy of the canal officials, had almost succeeded in effecting the closure of the waterway to English commerce. The British Ministry concluded, therefore, that the difficulty would be removed by the permanent neutralization of the canal, under an international guarantee and, accordingly, on January 3, 1883, Lord Granville addressed a note to the Courts of Paris, Berlin, Vienna, Rome and St. Petersburg, looking toward the consummation of an agreement with this end in view. The direct causes of this proposal were given by Lord Granville under three heads: (1) the danger to which the canal had been exposed during the brief period of the success of the recent insurrection. (2) The altered circumstances resulting from the British occupation of Egypt in aid of the Khedive; and (3) the attitude assumed by the directors and officials of the canal company at a critical period in the course of the campaign.

The note contained a proposal embodied in eight clauses, suggesting, in general, that the canal should be free for the passage of *all ships in any circumstances*; that no hostilities should take place in the canal or in its approaches, even in the event of Turkey being one of the belligerents; that no troops or munitions of war should be disembarked on its banks nor fortifications erected thereon or in the vicinity; and that each government should be made liable for any damage done the canal by one of its public vessels. Finally, Lord Granville suggested the convening of an international congress to discuss the proposals advanced.

The British occupation of Egypt had, however, in the opinion of some of the continental powers put a new face on the whole question. France and Russia now conceived that their interests would be better served by the permanent neutralization, not of the canal alone, but of Egypt itself. In other words, the Suez question had become overshadowed by the Egyptian question. Thus the eminent Russian Jurist Professor Martens, in an article contributed to the "*Revue du droit Internationale*" about this time declared:

"The danger which menaces the canal in time of war, will be very sensibly diminished, if the permanent *neutralization of Egypt* is made an accomplished fact and if such is guaranteed by all the great European powers. In this case, the Egyptian government, established on a solid basis, can make its first object the guaranteeing of the security of the canal, and all the Powers guaranteeing will be obliged to defend Egypt against an attack, whether directed against the canal, or its inviolate territory."¹

But an international congress for the discussion of the whole Egyptian question was not what the British government desired and for two years the adhesion of the Powers to Lord Granville's proposal of 1883 was not secured. In 1885, however, a convention of the Powers met in London to discuss certain matters relating to Egyptian finances and this

¹ "*La Question Egyptienne et le droit internationale*," Vol. xiv, pp. 355-402.

occasion the British foreign office seized to reiterate its proposals with regard to the security of the canal. And under instructions from their respective governments the delegates to the financial convention agreed that a further congress should be forthwith assembled at Paris to attempt "the establishment of a definite understanding, designed to guarantee, in all times and by all the Powers, the free usage of the Suez Canal." This congress was duly convened at Paris on March 30, 1885, the states represented being Germany, Austro-Hungary, Spain, France, Great Britain, Holland, Russia, Turkey and Egypt.¹

At the outset the representatives of France and of Great Britain submitted projects which differed principally, not in regard to the nature of the neutralization, but in regard to the means whereby the maintenance of strict neutrality should be assured. The British representatives proposed to leave the enforcement of neutrality in the hands of the Khedive—this ruler being at the time under British control—while the French delegates desired rather the formation of a permanent international commission composed of representatives of the great Powers, together with a delegate from Turkey and one from Egypt, which should be charged with the duty of seeing that no infringement of the international agreement occurred. On the main question of the advisability of an international guarantee of neutrality there was complete unanimity, and the diverse interests of France and Great Britain were finally reconciled, as regards the mode of supervision, by the adoption of a compromise wherein provision was made that the execution of the agreement should rest, in the first place, with the Khedive, and, failing him, with the Porte; the Powers being duly advised and consulted by the latter. Accordingly, articles of agreement, to the number of seventeen in all, were drawn up and agreed

¹ Egypt was represented by Fakry Pascha, who had a consultative voice only in the proceedings. The British delegates to this congress were Sir Julian (now Lord) Pauncefoot and Sir Charles Rivers-Wilson, the present president of the Grand Trunk Railway.

upon, by which the high contracting parties covenanted that the Suez Canal should be for all time "free and open, as well in time of war as in time of peace, to all ships both of commerce and of war, without distinction of flag," and bound themselves not to make any attack upon the channel nor "to exercise the right of blockade." The same immunity was to apply to the subsidiary fresh-water canal, and to the materials, works and appurtenances belonging to the company. The Maritime Canal was to rest, even in time of war, open to the war vessels of belligerents, but "no right of war, nor any act having for its result the obstruction of the freedom of navigation should be exercised within the canal nor in its ports of access, nor within a radius of three marine miles of its ports," even although the Ottoman Porte should be one of the belligerents. Moreover, the war vessels of belligerents "shall not, in the canal, nor in its ports of access, revictual or provision, except within the limits of strict necessity," and "the transit of such vessels shall be effected with the least possible delay." Further, it is provided in the Articles that the sojourn of belligerent warships at Port Said and in the roadstead of Suez "shall not be longer than twenty-four hours, save in the case of a forced putting into port." And where vessels of both belligerents happen to be contemporaneously in port, it is provided that an interval of at least twenty-four hours shall elapse between the time of their respective departures. Belligerents are bound not to disembark nor to take on, within the canal or its ports, "any troops, munitions or materials of war," but "in the case of an accidental obstruction of the channel, they may disembark or embark, in the ports of access, troops in bodies not exceeding one thousand men with stores and munitions in proportion." Prizes, *en route*, are, by the terms of the agreement, to be reckoned as vessels of war, and no signatory Power is to permanently maintain within the canal waters, any armed vessel. Nevertheless, in the ports of Port Said and Suez a permanent station of not more than two vessels

may be maintained by any Power so desiring, always provided that the Power so doing be not at the time a belligerent. The foregoing were the chief declaratory provisions; then follow provisions designed to ensure their execution.

In the first instance, the diplomatic agents in Egypt of the signatory Powers are charged with the duty of taking cognizance of any menace to the free passage of the canal or any threatened violation of the provisions agreed upon. They are to meet on the request of any three of their number—under the presidency of their dean—and to inform the Egyptian government of any apprehended or actual danger. In any case—whether danger appears or not—the agents are to meet annually under the presidency of a specially-appointed commissioner of the Ottoman Porte, or of their own accord, in the absence of this official, and to satisfy themselves that the provisions of the agreement have been observed.

The Egyptian government, on the receipt of information from the agents at Cairo of the signatory Powers, “shall take, within the limits of his powers . . . such measures as are necessary to secure the observance of the agreement.” But in case the Egyptian government shall not have at its disposal sufficient means of doing this, it shall make appeal to the government of the Ottoman Empire, upon which shall then devolve the duty of taking such measures as are necessary to secure the observance of the international agreement respecting the canal; at the same time giving advice to the governments of the six great European Powers and, if need be, consulting with them on the matter.

It was provided, moreover, that the provisions of the agreement should not operate to prevent Turkey—or the Khedive acting in virtue of his authority conferred by firman—from taking such measures as might become necessary for the defence of their respective territories, provided always, that no hindrance to navigation ensued and that due notice of such necessity be given to the governments of the

six chief Powers by the Ottoman authorities. But this exception was not to be construed as permitting either the Turkish or Egyptian government to erect any fortifications within the neutralized area.

Finally the high contracting parties agreed, "by the application of the principle of equality in all that concerns the free usage of the canal—a principle which forms one of the bases of the agreement—that none among themselves should have any territorial or commercial advantages or privileges in the international arrangements made in regard to the canal." They likewise agreed to bring the agreement to the notice of such states as had not been represented in the congress and to invite their adhesion. Ratifications were to be exchanged at Constantinople "within the space of one month or as soon thereafter as possible," but it was not, however, until October 29, 1888, that these were formally given. The assent given by England was a qualified one, for it stipulated that the terms of the agreement should be held to bind Great Britain only when a settlement of the internal affairs of Egypt should have enabled her to withdraw her troops from that country. As it was generally understood by the Powers that the British occupation would be a matter of short duration, no objection seems to have been raised to this proviso in the assent given by the British representative at the time ratifications were exchanged. But the long-looked-for British evacuation of Egypt has not yet come, and it was upon this qualification that Mr. George (now Lord) Curzon, when Parliamentary Secretary for Foreign Affairs stated in the House of Commons a few years ago that Great Britain did not yet look upon the provisions of the international agreement as binding her own actions with regard to the Suez Canal.¹

¹ On July 1, 1898, Mr. Davitt inquired in the House of Commons as to the breach of Article 4 of the Suez Canal Convention by Spanish ships of war remaining at Port Said beyond the twenty-four hours therein stipulated, to which Mr. Curzon replied: "The provisions of the Suez Canal Convention to which the honorable

Such, then, is the history of those rather extended steps through which the canal neutralization was eventually concluded. The significance of the matter as a precedent for the neutralization of similar future works was, indeed, great, but it was greatly lessened by the presence of several important attendant circumstances peculiar to the case, and care must, therefore, be had that the precedent be not given a too unqualified application. During the course of the negotiations between the United States of America and Great Britain in regard to the adoption of an understanding with reference to the proposed Nicaraguan Canal and during the course of the discussions upon the so-termed "Hay-Pauncefote Treaty," constant reference has been made to the Suez neutralization agreement as a pertinent precedent. But it is not so certain that the analogy holds good in every way. In the first place, it may be noted that in the case of the Suez Canal, negotiation for neutralization began after the work had been completed and after many nations had, by virtue of long-continued use, acquired a more or less vested interest in its free navigation. The company's charter had, as has been seen, provided that the waterway should always remain open as a *neutral passage* to all ships, and acting upon the assurance thus given, the commercial interests of the East and West had already entered into relations based upon the

member refers have never been brought into operation."—*Hansard, Fourth Series, Vol. 60, pp. 799-800.*

Subsequently, on July 12, 1898, Mr. Gibson Bowles asked a further question as to "whether the Convention was still in existence and in operation; and if not, when and under what circumstances the Convention had ceased to exist or to operate?" Mr. Curzon, in reply, said: "The Convention in question is certainly in existence; but, as I informed an honorable member in reply to a question some days ago, has not been brought into practical operation. This is owing to the reserves made on behalf of Her Majesty's government by the British delegates at the Suez Canal Commission."—*Hansard, Vol. 61, p. 667.*

The reservation made by the British delegates may be found on page 292 of Blue Book, Egypt, No. 19, and is as follows: "Aussi les Délégués de la Grande-Bretagne . . . pensaient qu'il est de leur devoir de formuler une réserve générale quant à l'application de ses dispositions. En tant qu'elles ne seraient pas compatibles avec cette situation et qu'elles pourraient entraver la liberté d'action de leur gouvernement pendant la période de l'occupation de l'Égypte par les forces de Sa Majesté Britannique.

assumption of an always-open transit *via* Suez. But in the case of the Nicaraguan Canal, proposal is made to secure the immunity from belligerent operations of a work which as yet does not exist, and in regard to which no *quasi*-rights of passage can have been acquired. The territorial power in Central America has not, moreover, stipulated that the canal shall be perpetually a *neutral passage*, and while the chartered company which undertook the construction of the Suez waterway was most persistent in its efforts to secure for it a guarantee of immunity—having only financial and not strategic interests to serve—the United States, as constructor of the Nicaraguan Canal, may not unreasonably find that political and strategic considerations require it to exert its efforts in just the opposite direction from that pursued by the Suez Company.

Again, one must bear in mind that the question of transit across the Isthmus of Suez, has, at all times been more or less closely connected with the greater Egyptian question. Egypt had been, as has been pointed out, for over half a century under the more or less strict control of the European Powers which, from the Convention of London in 1840, had treated the affairs of the Khedival State as their common property. Not only so, but being under Turkish suzerainty, Egypt and Egyptian affairs formed a factor in the greater "Eastern Question," in the handling of which the Powers of Europe had long since acquired vested rights. Let it be borne in mind, therefore, that the question of the *status* of the Suez Canal in time of war was *not an isolated one*, but formed a part of the Egyptian question and through it, of the Eastern Question, in dealing with which the various Powers of Europe had acquired the right to a predominant voice. The neutralization agreement was looked upon as being but one step in the settlement of the mass of intricate questions—many of them still unsettled—arising out of the rival ambitions of European states to acquire interests in the Levant.

And yet another—though, perhaps, not as important—point of difference may be noted. The neutralization of the Suez Canal was undertaken and effected through the co-operation of practically all the European states. The Nicaraguan negotiations are being conducted by two Powers only with the result that an eventual agreement would necessarily bind—in the first instance—those two states alone. It can scarcely be taken as a certainty that all other states would give an unqualified assent to an agreement in the formulation of which they had been given no voice whatever. No agreement between the United States and Great Britain can establish any guarantee of neutrality which shall be more than co-extensive with the ability of those two Powers to enforce the provisions in the event of an attempted violation by non-signatory states. In the case of the Suez provisions, deference was duly had to the wishes of all the states which had cared to send representatives, and important attractions in the original drafts were made in compliance with the wishes of such minor states as Spain and Holland. It may be added that all important neutralizations such as those of Savoy, Belgium, Luxemburg, the mouths of the Danube and the Black Sea, as well as that of the Suez Canal, have been the result, not of an agreement between the two individual states most directly concerned, but of a general international agreement.

The case of the Suez Canal, therefore, can scarcely be taken—as some British writers, and the British press generally, have been rather disposed to take it—as an unqualified precedent for the neutralization of the projected Nicaraguan Canal by means of an agreement between the governments of Great Britain and the United States. Furthermore, if we recall that Lord Palmerston stoutly opposed, at the very outset, the construction of the Suez Canal, on the ground that it would be detrimental to British commercial and political interests; that after its successful completion the British ministry refused to accept de Lessep's proposal for its

neutralization on the ground that "it was open to many objections of a political and practical character;" asserting instead that Great Britain would, by her own might, secure the immunity of the canal from hostile attack; that the earliest sign of British disposition to concur in an agreement for the neutralization of the Suez waterway came only after the English occupation of Egypt; and finally that, in the absence of any official disavowal of Lord Curzon's statement, Great Britain still stands unpledged to observe the terms of the agreement of 1885; if these features are borne in mind, it will be seen that, from a British standpoint, the precedent is not one to be ruthlessly advanced.

Nevertheless, the action of the various European states in relation to the Suez Canal marked an important victory for the general idea of the neutralization of important international works. The day now seems almost gone when large developments in international law can satisfactorily be effected through the agencies of logic or analogy. The jurists of the seventeenth and eighteenth centuries reasoned out the principles of their science; their successors, however, must chiefly build upon conventions between nations. As legal fictions and equity have ceased to be agents by which private law is extended or brought into harmony with the wants of society, and have given place to legislation; so in public law the *dicta* of text-writers count, as time goes on, for less and less while treaties and conventions import more and more.

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A MUNICIPAL PROGRAM.¹

In January, 1894, a Conference for Good City Government, held in Philadelphia, was attended by a goodly number of representative men, mainly from the Eastern states. Out of this Philadelphia Conference grew the National Municipal League, organized in New York City in May, 1894, and embracing in its affiliated membership the leading municipal reform organizations and, in its associate membership, students of municipal government throughout the United States. From 1894 to 1897 the League gathered information as to actual municipal conditions in typical American cities in every part of the country, from Boston to San Francisco, and from Chicago to New Orleans. From these cities of every class, whether a huge cosmopolitan city like New York, a small city of homogeneous population like Indianapolis, a bustling manufacturing city like Pittsburg, whether one of the older cities like Baltimore or Albany, or one of recent growth like Portland, Oregon, came the report that the local government was unsatisfactory, extravagant, inefficient and all too frequently that it was corrupt. It was plain that, tested by any standard of what such a government ought to be, city government was a failure in the United States.

This showing was appalling, and the League at its meeting in Louisville, in May, 1897, appointed a committee "to report on the feasibility of a Municipal Program, which will embody the essential principles that must underlie successful municipal government, and which shall also set forth a working plan or system consistent with American industrial and political conditions for putting such principles into practical operation." The committee made a preliminary report at the Indianapolis meeting of the League in 1898,

¹ *A Municipal Program*. Report of a Committee of the National Municipal League. Pp. 246. Price, \$1.00. The Macmillan Company.

and its final report at the Columbus meeting in November, 1899, when the League unanimously adopted the recommendations of the committee. This final report, published by the Macmillan Company under the title "A Municipal Program," is the subject of this paper.

The historical origin of American municipal government is in the chartered boroughs or municipal corporations of the Colonial period, when charters were granted by the provincial governors. The powers of the local government and its methods of administration were enumerated in the charter. Usually the governor appointed the mayor, who, however, had no special charter powers of great importance. From time to time the Colonial Assemblies granted additional powers for special purposes; and, since the municipality had no authority to levy a tax, whenever it wished to enter upon any undertaking involving taxation, it was forced to apply to the Colonial Assembly for the special authority. Toward the end of the Colonial period there were no municipal charters from the provincial governors, and the Colonial Assembly had come more and more to be regarded as the proper authority to control the local administration, not, however, so as to interfere with the powers already contained in the charter.

After the Revolution, municipal charters were simply legislative statutes and, as such, subject to change by later legislative statutes; and the charters granted by the provincial governors in Colonial times were now regarded as equally subject to the power of the state legislature. As the cities grew in number and population, this supremacy of the legislature continued. The legislature decided whether an additional power should be given to the municipality, or an old one taken away or modified, or a completely new schedule of powers should be granted. The legislature also decided what should be the scheme of city governmental organization to exercise the powers granted and altered the scheme whenever it saw fit.

The powers granted to cities, however, in Colonial times and for many years after the Revolution, were few in number. The public affairs of cities were on the whole matters of petty housekeeping, not calculated to arouse great public interest. A very small proportion of the population of the whole country lived in cities. As late as 1810 the public expenditures of New York City, with a population of 100,000, were only \$100,000. "In 1820 there were but thirteen towns in the United States with 8,000 population, and their combined population was less than five per cent of the entire population of the country." There was little, if anything, to create local political parties, *i. e.*, parties divided upon local questions. The active political interests of the citizens were centred in national questions, and contests for local office were a part of the strife in national politics, local appointive office early becoming the spoils of partisan politics. New York's mayor, for instance, at that time appointive, was changed nine times between 1801 and 1823, as often, that is, as the Council of Appointment changed its political complexion; in the Colonial period, although the mayor's nominal term was one year, he frequently retained the office for ten years.

By 1850 there were eighty-five towns in the United States with populations of 18,000 and upwards, and their combined population was approximately 3,000,000, about 12½ per cent of the population of the country. New York City then had a population of 500,000, Philadelphia 400,000, Boston and Baltimore 200,000 each. During this period of growth the cities were of necessity undertaking additional functions and, since the state legislatures were the source of municipal powers and legislative statutes were the means of granting them and regulating their exercise, special and local acts of state legislatures became increasingly frequent. The Ohio Legislature, in its session of 1849-50, passed 545 such acts.

Already, in 1850, the forces were clearly visible which

were massing population in centres of trade and manufacture; and, even then, discerning men could have foreseen the evil consequences of continuing the temporizing and little-considered methods of meeting the growing needs of municipalities. Only a few years earlier in England, when the city problem began to be of importance, there was, first, a careful investigation of the facts, and then, in 1835, a general Municipal Corporations Act passed by Parliament, so sound in its principles and so adjusted to the varying local needs of cities large and small throughout the kingdom, that, with comparatively unimportant changes, it has remained the fundamental law to this day under which the British cities have developed models of progressive and efficient municipal government adapted alike to their political traditions and their local needs. In this country, at the very time when there was most need of similar provision and wise preparation, almost the entire public political interest was necessarily centered in national questions. In the intensely exciting decade before the Civil War, during the war itself and during the years of reconstruction, the cities were left to grow and multiply without any well thought out plan for their government, with indeed scarcely any consideration of the principles which should underlie healthy and efficient municipal development. The struggle for national life and the ever-increasing effort of the people to become effective and direct participants in the control of national affairs, in spite of the obstacles imposed by the rigid framework of constitutional checks and balances, were the most marked political factors in the political growth of the country down to the close of the reconstruction period. The Civil War and Reconstruction settled the question of national life. That public attention should then begin to be directed more effectively to questions of local government was inevitable. It was equally inevitable that the same line of political development which tended to give the people a more direct and effective control in the public affairs of the nation should

now and for similar reasons begin to manifest itself in the field of local government. During the last two decades the efforts to improve municipal government have been directed more and more plainly toward securing effective responsibility to the people of the locality on the part of those charged with the satisfaction of their local needs or the control of their local public affairs.

In a country like ours, permeated with the democratic spirit, the problem of securing honest, progressive, efficient government is at bottom essentially the same whether considered as a national question or as one relating to a single city like Columbus or Philadelphia. In both cases, the first requisite is that the government shall be the product of and conform to the will of the governed when that will is deliberately expressed; shall be evolved from and responsible to the people it governs, not imposed by some outside authority. No other government can be good government according to the American democratic ideal, and the struggle to attain the realization of that ideal is the most potent and most permanent factor in our political development.

It is because until the closing years of the nineteenth century but slight public attention had been directed in this country to municipal government, and because the people, absorbed in other public questions, had left the cities to increase in population and multiply in number while applying only haphazard, makeshift and temporizing governmental methods to local public affairs, that we have a "Municipal Problem." The failure of city government in the United States has not been a failure of democracy. The brief outline we have given of our municipal history has shown, and a more detailed and thorough examination would but emphasize, the truth of the statement, that from the beginning there has not been a single city with a government based upon fundamental democratic principles and adequately equipped to apply those principles in the practical conduct of its public business. There has been in the popular mind no

concept of a city as government. No city has had adequate power of local government. Every city has been obliged to apply to some outside authority for grant of power to meet local needs. Taking New York as an example, even so recently as in 1870, its annual tax levy was laid by the state legislature. Even now, by far the largest portion of its huge annual budget, amounting to almost, if not quite, \$100,000,000, to be raised by local taxation, consists of expenses under mandatory acts of the state legislature; and to these must be added many millions more spent annually, the proceeds of bonds issued under legislative orders and to be paid by taxes upon city property. Whatever else such a city government may be, it is not a government of the city by its citizens or responsible to them. Its charter is a congeries of session laws covering hundreds of pages, changed in many respects, and attempted to be changed in many more, at every session of the legislature. New York but typifies upon a larger scale the conditions of city government generally.

To the superficial observer this condition sometimes indicates that political traditions in this country are against the application of democratic principles to the conduct of city affairs. A deeper insight and wider knowledge disclose a constant and growing popular unrest and discontent at the failure to apply these principles and a continual effort on the part of the cities to assert their rights to independence and to attain an assured and definite position in our governmental system. For now nearly half a century, that is, practically ever since cities began on account of their growing population and needs to assume much importance, there has been a slow but sure awakening to the fact that the city in the United States has been made the victim of forces which did not express the will of the people of the city, and that the means for expressing or enforcing that will as to matters of local public policy have been very imperfect, or practically non-existent. Along with and as a part of this awakening

there have been repeated efforts to free the city from the caprice of its tyrant, the state legislature, and to devise some way of expressing and enforcing the local will unconfused by national political partisanship. The many amendments to state constitutions which forbid or attempt to safeguard special city legislation, the classification of cities for purposes of legislation, the separation in date of local from general elections, the gradual increase in the power of the mayor in the city administration in order that the people of the city may hold someone directly responsible for the use of power in local matters, the limited veto which under New York's latest constitution may be exercised by the local authorities on the power of the legislature to enact local laws, the partial recognition in some states of a right in the people of a city to make its own organic law and scheme of government, and the widespread and growing interest in the ways and means to better municipal governmental conditions are full of meaning to the student of political history.

From the dawn of political history, two opposing tendencies have been in unceasing conflict. Their sources lie deep in human nature itself. On the one side, the ruler has sought to preserve and enforce authority without responsibility to the governed. On the other, what, at first on the part of the governed, was a mere resistance to oppression, gradually became an effort more and more conscious to secure from and enforce upon the ruler responsibility for the exercise of power. The effort has been often ill-directed. At times, it has been so intent upon the immediate gain as ignorantly to raise obstacles to further progress. Sometimes it has seemed entirely overslaughed by temporary exigencies, but it has never been wholly absent; and the ultimate result has never been doubtful since the essentially industrial character of advancing civilization has become pronounced—the realization of a government of the people, by the people and for the people through representatives chosen by and responsible to the people. No doubt this democratic ideal

has until comparatively recently been consciously present to the minds of but comparatively few of the active participants in the ages-long struggle between political authority over the people and political responsibility to the people for the use and abuse of authority. No doubt there are very many at the present time, even in the United States, who apprehend but very imperfectly, if at all, the intense energy of this movement toward democracy; yet the problem of problems politically is now, as for a long time past, how to enable this tremendous and in the end resistless force to attain its legitimate goal by peaceful evolution. Revolution is the alternative. He who has not learned this lesson has read political history to little purpose.

Almost eight hundred years ago, on the meadow of Runnymede, the Great Charter was exacted from a reluctant king. To us it seems to proclaim self-evident truths. But to secure their formal statement by political authority cost untold centuries of blood and suffering, and their enforcement is even now not complete. Yet, they but recognize some of the defensive rights of man, that he may live in reasonable security. It was inevitable that the recognition by the political authority of defensive rights in the governed, certain limits beyond which the arbitrary power of the government should not go, would be followed by the assertion and the ultimate recognition of rights in the governed which would tend to make an end of all arbitrary exercise of power by the government; that this, in turn, should be followed by the recognition of the right in the governed to take some direct and effective part in the government. And during the last century more and more plainly with each decade has appeared the ultimate end toward which from the outset the resultant of all the contending political forces has been tending during Anglo-Saxon history,—government chosen by and responsible to the governed, the identity of the government with the governed. In this country, since the Declaration of Independence, this doctrine has been pro-

claimed unceasingly from pulpit and platform and disseminated by the printing-press until it has become a fundamental article of political faith; and the history of governmental development in the United States is the history of the attempt to unite political power with political responsibility to the people as the source of the power.

Any scheme of municipal government, to be successful in the United States, must be an adequate expression of this fundamental democratic doctrine. And the government of the city, *i. e.*, those charged with the determination of its local public policy and the carrying out of the policy, must be chosen by and responsible directly to the people of the city. How shall this be done? Manifestly, the very first prerequisite is to clothe the city with ample power to manage its own affairs without outside aid; and, this accomplished, the next prerequisite is to prevent any outside authority from interfering. But the city is a subordinate division of the state and the state government *must* interfere. The state's policy, for example, as to the liquor traffic or as to education or public health must be enforced within the city limits. True, but this can be accomplished without the state prescribing with meddlesome detail the *entire* local policy in these respects. Does it follow because Ohio or Pennsylvania has a standard as to public education, or as to sanitary regulations applicable to the state at large, that therefore the legislature at Columbus or at Harrisburg must decide the *whole* educational policy or establish *all* the health ordinances of Cleveland and Philadelphia? Of course not. The distinction is obvious. The state legislature should confine itself to declaring the *state* policy; the enforcement of that policy in the cities should be entrusted to state administrative officials or to officials selected by the city, who should be subject to the supervision of a state administrative official. With the local city policy, as such, the state legislature should have nothing to do; it should pass no law affecting cities, except those equally applicable to all

cities or all the inhabitants of the state.¹ Neither this principle nor its application is a novelty. In New York the state policy as to the liquor traffic is declared in a state law and enforced by state officials in every part of the state; and the state educational policy is enforced by local officials under a state commissioner of education, while the localities vary greatly among themselves as to the extent and kind of education afforded at public expense not inconsistent with the state standard, and the local standard is often much higher. There is also in the same state very efficient state administrative supervision of the prisons and charitable institutions throughout the state. To clothe a city, therefore, with all necessary powers of government, and then leave it to exercise those powers subject to central state administrative (not legislative) control as to all matters of general state policy, equally applicable to all cities or all the inhabitants of the state, would not be revolutionary or contradictory to wholesome precedent. It would be in the direct line of political development and tendencies during the last twenty-five years which have sought to restrict special legislation for cities and have entrusted to state administrative officers the enforcement, or supervision of the enforcement, of state laws. Moreover, an examination of the governmental powers granted to cities discloses that, while not one city has sufficient power to manage its local affairs without aid from the state legislature, there is scarcely one governmental power which has not been granted to some city, and the manifest

¹ The Municipal Program of the National Municipal League contains the following provision:

"Special laws shall require the affirmative vote of two-thirds of all the members of the legislature, and shall not be valid in any city unless they receive the formal approval of its council within sixty days after the passage thereof by the legislature, or, within thirty days after disapproval by the council of the city, shall again be passed by the legislature by the affirmative vote of two-thirds of all the members of the legislature, which two-thirds shall include three-fourths of the members of the legislature from districts outside of the city or cities to be affected. The failure of the council of the city to take formal action approving or disapproving a special law shall be deemed a disapproval thereof. Laws repealing such special laws may be passed in the manner provided for the passage of general laws."

tendency has been to grant more and more governmental powers to cities.

We have now stated the fundamental principle upon which is based the Municipal Program of the National Municipal League,—ample power in the city to conduct the local government, without possibility of outside assistance or of outside interference save by such supervision of a central state administrative authority as may be necessary to enforce a state law applicable alike to all the cities or all the inhabitants of the state. All else in the program is detail in the application of this principle. It is possible, had municipal government developed in the United States, as in England, under the operation of a thoroughly well thought out General Municipal Corporations Act, that in spite of the different political conditions here, the local council, as a grand committee of the citizens, would have proved here also entirely adequate to administer the local public affairs in a progressive, efficient and economical manner; and that the mayor, while important and influential, would have been so by virtue of his experience and influence as a leading member of the Grand Committee rather than because of any independent powers attached to his office as mayor. Much may still be urged in favor of "council government" for cities when cities are really free from the meddling of state legislatures. But the Municipal Program, recognizing that according to American political traditions a clear line of demarcation has been sought to be drawn between the functions of legislation, *i. e.*, of determining policy, and of the executive, *i. e.*, the execution of the policy determined upon, and that according to American precedents these functions have been sought to be entrusted to separate agencies; recognizing, also, that the line of municipal development in this country has been toward the exalting of the office of mayor and the enlargement of his powers as the chief local executive, has preserved that office and clothed it with full power to enforce, and corresponding responsibility for enforce-

ing, the execution of the local public policy. On the other hand, the Program recognizes that this policy should be determined by representatives chosen for that purpose by the citizens of the locality; and the local legislature, not the state legislature, is clothed with the power to decide every question of local policy, be it important like the ownership or operation of public utilities, or comparatively trifling like street encumbrances. The mayor and the members of the council are the only elective officers. Candidates must be nominated by petition. Local elections are separated by a year's interval from national or state elections. The ballot will be simple; the voter will not be confused by a multitude of offices and candidates. The secrecy of his vote is guaranteed. The Program recognizes also that in cities a larger share of the activities of government than in the state or national field is necessarily occupied with mere business administration which has no relation to political partisanship; and the merit principle is rigidly applied to every department of purely administrative public service in cities. That the great administrative departments in modern city governments should in the public interest be entrusted only to qualified specialists, experts in their several callings who should find satisfactory careers in performing their duties, the Program recommends that there be no fixed terms for such officers, but that the term depend solely upon efficient performance of official duties subject to termination at any time by the mayor for non-political reasons publicly stated. The Program also provides a method by which within certain limitations a city may make its own scheme of government for the exercise of the powers entrusted to it.

Clothed with ample authority to administer their local affairs, the people of the city cannot secure relief from their mistakes by application to outside authority, nor can they be made to suffer from the misdirected kindness or evil interference of any outside authority—this is the central thought of the Municipal Program. The will of the people,

when deliberately expressed, will control, and the people cannot escape expressing their will.

The alert public opinion certain to arise under such circumstances will find its sure and adequate expression in the city government. The local government will rest upon and be directly responsive to the local public opinion. This is the inner meaning of "Home Rule," a city government responsible to the people of the city. The struggle to obtain it is a part of the great democratic movement to which we have alluded, and which in this country has been progressing with accelerating energy ever since the adoption of the national Constitution. It gave birth to the national political parties, has reduced the Electoral College to a formality, has enlarged the suffrage, has transformed our state constitutions from declarations of principles to detailed statutes, has increased and is increasing the number of questions of public policy to be submitted to direct popular vote. In its constant efforts to clothe political power with political responsibility to the people as the real source of power, it has exalted the executive in national, state and local government, some times by statutes, more often by extra-legal practices; it has improved our election laws and is bettering our nomination methods; it is gradually purifying the public service; it is the irresistible foe of absolutism and, in the not distant future, will displace the "boss" in political parties by responsible leadership. In its larger aspect, it is a part of the perennial human struggle for freedom.

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THE FINANCIAL PROBLEMS OF PORTO RICO.

The financial problem that confronted the civil administration of Porto Rico upon its inauguration in May, 1900, was very much graver than the simple task of raising enough money to meet current expenses. It involved not only the reform of Spanish methods of administration, but the reconstruction of the existing system of taxation, and the latter problem, grave enough in itself, was complicated by certain social conditions largely engendered by centuries of Spanish control, but magnified by the effects of the change of sovereignty and the hurricane of August 8, 1899.

The fiscal system which the American army found in force upon their occupation of the island in October, 1898, had been, in appearance at least, a successful system. But few of the towns had been allowed to borrow, and none excessively; the insular government had no debt, and on several occasions had loaned money to the Spanish treasury; the taxes aroused no violent opposition, and were collected practically up to the last dollar.

The Spanish system of taxation comprehended a tariff of customs duties, plus tonnage duties, a transitory tax of 10 per cent, and additional imposts on the loading and unloading of freight and the embarkation and disembarkation of passengers, an insular *consumo* tax on petroleum, ecclesiastical bulls, real dues upon the inheritance and transfer of property, and taxes upon wills, bills of lading, notarial documents and instruments of indebtedness, all paid by means of stamps or stamped paper. These were the principal indirect taxes. There were in addition a passport or poll tax, a direct tax upon the income from agricultural and urban property, and a cumbersome system of license taxation called the industrial and commercial tax which was paid by corporations, professional and salaried men, as well as by merchants and manufacturers.

Such, in brief, was the Spanish system of taxation. Its efficiency was superficial. It aroused no opposition, because the direct taxes were largely evaded through the complexity of the law and the venality of the officials, while the greater burden of the indirect taxes was shifted from those who owned property and were able to protest effectively, upon a sodden, inarticulate peon class which was too ignorant either to protest or to realize the economic causes of its own degradation. The direct taxes were collected efficiently, but their collection was farmed out and the delinquent taxpayer was brought to book by an administrative process that was mercilessly effective when unimpeded by bribery. It supplied the needs of the State, because the government lacked almost all the functions which distinguish the modern from the medieval state. There were government officials by the hundred, but transportation was by pack-horse; there was a state church supported by taxes which, during the last decade of the preceding century, averaged nearly \$200,000 a year, but there were practically no public schools; there were courts of law, policemen in the cities, and a civil registry system, but the state conducted a lottery, gambling was unrestricted, petty thieving was, and still is, universal, and one-fourth of the children were born out of wedlock.

The activity of the military government was, of necessity, chiefly destructive. It is true that a new poll-tax was levied by the military government, although it was never collected, and excise or higher license taxes authorized on the sale of alcoholics, tobacco, matches, playing cards and oleomargarine, which failed to fulfill the purpose for which they were created, the supply of adequate municipal revenues. But, in general, the financial activity of the military government was very properly confined to the abolition of abuses in the Spanish law or administration. Ten days after the American occupation, the use of documentary stamps and stamp paper was abolished, and a month later the real dues on the inheritance and conveyance of property were annulled.

Following this came a gradual abolition of the *octrois* or *consumo* taxes, which the municipalities had been permitted to levy upon all articles of food, fuel and drink; until by general orders of April 24, 1900, practically all *consumo* taxes were removed save those on liquor and tobacco. In January, 1899, the rate of the territorial tax was reduced and the method of assessment simplified. In February the foreclosure of mortgages was suspended, and in the fall of the same year, following the hurricane, the collection of taxes was suspended.

The result of these measures has been to increase immeasurably the difficulties of the civil government with respect to financial administration. The suspension of tax collections resulted eventually in the accumulation in the treasury department of over ten thousand¹ "expedientes" or appeals for the remission of taxes, pending whose investigation and decision the taxes in question could not be collected. And the hurricane was doubly disastrous. In itself it was, as Mr. Carroll, the Special Commissioner of the United States, said, "terribly destructive." Its indirect result was a flood of hasty alms-giving that prevented a great amount of suffering but stimulated fraud and produced a certain pauperization of the lower classes.

Taken all in all the events and measures of the military government, together with the sentimental attitude of public opinion in the United States towards Porto Rico, fostered in the people a disinclination to pay the price of self-government, and a vague hope that, through borrowing or by the bounty of the United States, the burden of taxation would be indefinitely postponed. This condition is due to no fault of the military government; it is one of the inevitable results of the change of sovereignty through the intermediate stage of a military government. Our school histories speak glibly of the industrial disorganization attendant upon the change of government in the south after the civil war, but without

¹ The total number of tax-payers is only 40,000.

personal contact it is difficult to realize the intensity of the industrial timidity it creates and the hope it arouses in the minds of tax-payer and other public debtors that in the *mélee* of reconstruction they will be enabled to escape their obligations to the state.

To replace a preponderantly indirect by a preponderantly direct system of taxation; to abandon the *consumo* tax and secure larger revenues from sumptuary taxation upon alcoholics, tobacco and matches—matches being practically a supplementary commodity to tobacco in Porto Rico; to abolish the industrial and commercial tax which had been framed by the Spanish merchants, as they say in Porto Rico, “to push and pull with,” to push your competitor out of business and to be pulled down as low as was convenient for your own pocket; to resist paternalistic schemes of relief; to teach the people that self-government means self-support, and to inject more vigor and common honesty into the administration in the interior of the island; these were the larger financial problems of the civil government upon its inauguration in May, 1900.

Thorough reform could not be attempted until the meeting of the Legislative Assembly in December. But in the intervening seven months marked administrative improvements were made.¹

One of the most far-reaching changes was in the personnel of the treasury department. Conditions were particularly bad in the interior of the island, but the reform began in the office of the treasurer itself. During the Spanish régime the appointing power had been used to build up or retain a political following, and in order to make the following as large as possible, offices had been multiplied and salaries reduced until few clerks had either enough to do or enough salary

¹ The financial administration of Porto Rico is vested almost completely in the offices of the auditor and treasurer, the influence of these officers being greatly increased by the close connection between legislation and administration under the civil government, and by the fact that the auditor is a member, and the treasurer the chairman, of the finance committee of the executive council.

to yield them an honest living. Not only was the morale of the office low, but the work and responsibility were so distributed that it was almost impossible to bring an error or offence home to any particular individual. This system was promptly abolished. About half the men were discharged and their pay divided among those who were retained. The work was then divided in such a way that it automatically reaches a particular individual who is held responsible for its proper performance.

The trouble in the interior arose from the venality of the tax gatherers and from the fact that the assessment of direct taxes, both for insular and municipal purposes, was made by nearly two hundred separate boards appointed by the sixty odd municipal councils. The insular treasury under the Spanish régime had, of course, possessed the power of inspection and central revision of assessment. But both inspection and revision had been usually conducted by a courteous interchange of sonorous letters. The civil treasurer reached the root of the difficulty by using the telegraph and by appointing a corps of tax examiners and internal revenue inspectors. The result of their work is briefly described in the interesting report of the treasurer on the "Operations of the Office of the Treasurer, from May 1, 1900, to October 31, 1900:" "In the course of the attendant examination, irregularities, of a more or less long standing, were brought to light in the case of four deputy collectors, and prompt measures taken for the dismissal and punishment of the offenders, this taking the form, in one instance, of the extradition from France and criminal indictment of a fugitive official. Some three hundred cases of fraud against the excise tax on liquors and matches have been detected and referred, through the attorney general, to the district courts for prosecution, resulting, in the large majority of cases, in the conviction of the defrauders. Fines to the extent of over four thousand dollars have already been collected from these delinquents, and the sale

of internal revenue stamps has greatly augmented. Over four hundred cases of fraud on the industrial and commercial tax have also been reported and, in all these cases, the taxpayers have been made to properly assess their industries in the rolls and, in exceptional cases, where merchants were proved to be wilful violators of the law, the penalties and surcharges authorized by law have been imposed."

The effect of these measures is clearly seen in the quarterly collections, taxes being payable quarterly under the Spanish laws. In the quarter ending June 30, 1900, the collection of insular taxes, excluding customs receipts, amounted to \$107,650.16; in the quarter ending September 30, 1900, to \$132,113.63; and in the quarter ending December 31, 1900, to \$136,170.51. The collections in December, the last month of the last quarter, were the greatest of any month since the American occupation.

The brief session of the legislative assembly has now ended, and although only a few laws were enacted—thirty-six in all—most of them were of fundamental importance, and, if time prove that the subjects treated were wisely treated, the session will go down as one of the most memorable in Porto Rican history. Probably the most important, certainly the most widely discussed, act of the legislative assembly, was the passage of a comprehensive revenue bill, which marks the first step in the solution of the financial problems of Porto Rico, and which will, in all probability, constitute the foundation of the future financial system of the island.

This measure—known in Porto Rico as the Hollander Bill—specifically abolishes the old direct taxes only in so far as they were payable to the insular treasury, but it tacitly assumes the reconstruction of the system of municipal taxation and, in fact, takes the initial step in this reform by abolishing all *consumo* taxes and by providing that the tax rolls shall now be prepared, revived and preserved in the insular treasury and not by the sixty odd municipalities.

The principal features of the act are a property tax, an inheritance tax, and excise taxes on various articles.

The property tax replaces what, under the Spanish régime, had been virtually an income tax. This step was taken after long consideration, in virtue of the agricultural character of the island and in obedience to specific provisions of the Foraker Act. The tax itself is not essentially different from the familiar property tax of the States. The ordinary exemptions of churches, schools, working-tools, etc., have been made; the whole assessment will be in charge of a supervisor of assessment, who will be appointed by the governor and who, in turn, will appoint the division and district assessors; the collection of insular taxes will be in the hands of separate collectors, while the sale of property for delinquent taxes will be by the purely administrative process of the Spanish law, modified, however, by the privilege of redemption within three months after the sale; both the municipal and insular rates are limited to one-half of one per cent.

The inheritance tax is progressive, but, unlike most taxes of this kind, varies in accordance with the relationship of the heir and the value of each particular inheritance or bequest, while the commissions of administrators, here as in most other places usually excessive, are taxed as inheritances. The first two hundred dollars in value of every inheritance, and all the property passing to the wife, child, adopted child or grandchild of the decedent, are exempt; from \$200 to \$5,000, the rate is 1 per cent for husbands and lineal descendants, and 3 per cent for other heirs; from \$5,000 to \$20,000, the rate is 1½ per cent for husbands and lineal descendants, and 4½ per cent for other heirs; upon the next \$30,000, 2 per cent and 6 per cent, respectively; and upon the value in excess of \$50,000, 3 per cent and 9 per cent, respectively.

The most interesting feature of the new revenue act is the system of excise taxes upon proprietary medicines, playing-cards, firearms, oleomargarine, matches, alcoholic liquors,

and tobaccos of all kinds. Speaking generally, the rates of the excise taxes are about one-half of those imposed in the United States. The operation of the taxes will also be radically different. In the United States, the stamp is placed upon the package of sale at the time of manufacture, while the most thorough surveillance is maintained both of the sale and manufacture. In Porto Rico, the stamp will be placed on the bill of sale or lading which accompanies the shipment of goods from the factory, while the inspection will be confined almost wholly to the manufacturer and wholesale merchant. These changes were necessitated by the fact that the manufacturer of rum and tobacco, although relatively much more important industries than those of the United States, could not bear the same rates of taxation, while it has been repeatedly demonstrated that the manufacturers are unable to pay the taxes upon their stocks of finished products until they are sold, the purchaser, at present, almost always forwarding the stamps required on the goods which he purchases. At the same time, the device of placing the stamps on the retail packages is a failure in Porto Rico. The patient peon is too economical to tear the stamp upon his box of cigarettes or matches. He sets himself in the sun and soaks the stamp off, washes it, and uses it to buy more cigarettes or matches. And it is impossible to root out the practice by any reasonable amount of surveillance because of the mountainous character of the country, the cost of transportation, the lack of police and the universality of the practice. On several occasions, cigarettes have been found with ten-cent stamps upon packages which sold for one cent.

Under the present system each manufacturer will be furnished with a stub sales-book,¹ on the page and stub of which he will be required to describe each shipment which leaves his factory. The stamps will then be pasted over the per-

¹ Strictly speaking, the tax will be upon the shipment rather than upon the sale of the goods.

forated line which separates the stub and the bill, in such a way that when the bill is detached part of each stamp will be left upon the stub and part upon the bill. Manufacturers will be required to return the stubs to the treasury, and merchants the bills, at regular intervals, so that in this way a reliable check can be kept upon the goods manufactured and sold in the island; while a perfect check can be kept upon imports and exports by means of the customs officers and the applications for rebates allowed upon exports.

The revenue bill was passed unanimously in the upper legislative house, and with but one dissenting vote in the lower house. But it has been subjected to an immense amount of criticism, and a meeting attended by many of the largest property-holders of the island, held after the bill had become a law, sent a delegation to Washington to petition Congress against its enforcement.

Time will prove whether a mistake has been made in subjecting property to a maximum tax of one per cent for both insular and local purposes, or whether this protest is a merely selfish outcry against the shifting of the centre of gravity of taxation from a class of consumers, who as a class are wretchedly poor, upon a class of property owners, who as a class are well able to pay. Two facts, however, are incontestable: the one, that the rich Spanish merchants are with the opposition, almost to a man; the other, that during the Spanish régime, this class evaded their lawful taxes with a success that put the American tax-dodger to shame.

The passage of the revenue bill marks only the first stage in the solution of the real financial problem of Porto Rico. The nature of that problem is well illustrated by a bill, passed by the house of delegates with the approval of practically the whole native population, which directed the insular government to secure and guarantee loans to the farmers and planters of the island, to the amount of \$3,000,000.00.

The justification of such a scheme depends largely upon whether the present agricultural depression is due to tem-

porary conditions, and hence curable by an extraordinary remedy, or to deep-rooted social habits which will only be eradicated by generations of change and improved industrial education. When questioned upon this specific point, the defendant of the loan answers promptly that the present condition is the result of the hurricane and the industrial disturbances attendant upon the change of government. Questioned in another connection, however, he is quite willing to admit that before the Spanish war agricultural conditions were substantially similar to those prevalent in the southern states previous to the birth of the new south; that the planters were in the hands of the money-lenders, improvident and unprogressive, ready to borrow at exorbitant rates, but seldom ready to pay when the debt matured.¹ Public loans at 7 per cent would be spent as the old private loans at 15 per cent, and leave as little permanent effect.

As was to be expected, the bill was defeated by the American members of the finance committee of the executive council. But it sums up admirably the greater financial problems of Porto Rico: the agricultural depression, the desire to postpone the inevitable liquidation of indebtedness, the willingness of the people to subsidize a branch of industry which private credit is afraid to assist, the eagerness for new capital instead of new entrepreneurs, for new wine, but in the old bottles.

T. S. ADAMS.

San Juan, Porto Rico.

¹ The testimony upon this point is unanimous: see speech of Mr. Crosas in the "Journal of Executive Council of Porto Rico," January 31, 1901, and the testimony of General Davis in the "Hearing before the Committee on Pacific Islands and Puerto Rico," page 37. Both of these gentlemen are defendants of an agricultural loan.

THE FUNCTION OF SAVING.¹

Under the above title Mr. Bostedo has criticised, in the January number of the *ANNALS*,² some views which I expressed in my work, "The Positive Theory of Capital," in regard to the influence of saving on the formation of capital. While I advanced and illustrated by means of various examples the opinion, that an increase in the capital of a community can only take place in consequence of a balance of saving over spending on the part of its members, Mr. Bostedo arrives at an exactly opposite conclusion, namely, that "saving, as the term is commonly understood, has no influence whatever on the formation of capital."

My surest vindication would consist, I have no doubt, in asking the reader to study point by point, the detailed exposition of this subject in my "Positive Theory."³ The solution of a problem of this nature can only be presented by creating in the reader's imagination, in place of a superficial view of the surface money phenomena which present themselves to every-day observation, a complete and at the same time plastic picture of the actual relations of modern industrial society. Such a complete picture I have tried to sketch in my "Positive Theory," and I cannot, for obvious reasons, repeat the undertaking in these pages. I must rather content myself with commenting upon the particular points and difficulties which Mr. Bostedo raises in his criticism.

Mr. Bostedo accuses me, in substance, of having committed three errors: Of having made an ambiguous use of the word "saving," of having chosen an "unnatural" and therefore inadmissible illustration for the development of my doctrine, and of having fallen into a logical blunder in the course of this development.

¹ Translated from the German by the Editor.

² Vol. xvii, pp. 95-99.

³ Pp. 100-118 in the English version.

First, he maintains that I have characterized indifferently two quite distinct conceptions as "saving." Sometimes I have designated by this term the motives which determine the direction of production—and, in this sense my theory in regard to the influence of saving upon the formation of capital, though indeed correct, is of slight importance—sometimes, however, I have employed the term for an altogether different purpose, denoting thereby what everybody understands by "saving"—and in this usual sense my theory is false.

In reply I wish merely to insist that I have not confused two conceptions of "saving" in my writings, but that I have merely endeavored to analyze completely one conception and to present to the reader an all-around picture of the "saving" process. To put the matter more concretely, that which "everybody understands as saving" has first of all its negative side, that is, the not-consuming of a portion of income, or, in terms applicable to our money-using society, the not-spending of a portion of the money annually received. This negative aspect of saving is the one which is made most prominent in every-day speech, and is often the only one considered, since comparatively few people follow the sums of money saved further than to the receiving window of a bank or trust company. But here the positive part of the saving process only just begins, to complete itself quite out of the range of vision of the person who saves, whose action has nevertheless given the impulse to the whole movement: the bank collects the savings of its depositors and places them at the disposal of the business community in one form or another—through advances on mortgages, loans to railroads and other corporations in exchange for their bonds, accommodations to business managers, etc.—for use in the furtherance of productive enterprises, which but for such aid either could not be prosecuted at all or not with the same efficiency. If those who save had refrained from so doing and instead had lived more luxuriously, that is, bought and

consumed more or finer foods, wines, clothing and other pleasure-affording goods, they would, through their increased demand for these commodities, have stimulated their production; conversely, as a result of their saving portions of their incomes and depositing them in banks, they give an impulse to production in the direction of increasing the output of productive appliances, of railroads, factories, machines, etc. Whether I am accurate in this analysis of the effect of saving will appear in connection with my discussion of the third of the above criticisms. At this point I wish merely to insist that my theory does not involve two different conceptions of saving, but that the saving which acts as impulse or motive in giving direction to production is exactly the same "saving as it is commonly understood." I simply direct attention to the other side of the process, to the positive consequences of the negative first step, which is the not-consuming.

Turning to the second point, Mr. Bostedo declares, that the illustration by means of which I try to make clear the influence of saving on the formation of capital, "supposes a very unnatural case." I had, merely by way of illustration, assumed that "each individual in the community consumes, on the average, only three-quarters of his income and saves the rest." If Mr. Bostedo means by his criticism that it is quite improbable that in any large community every individual, without a single exception, should save from his income at the same time and in the same proportion, he is undoubtedly right. But, as a matter of fact, as my introductory phrase, "on the average," indicates, I do not lay the slightest weight upon the details of my illustration, and even if I did, the mere *improbability* of the case assumed would not in the least invalidate it as an aid in the exposition of a general principle. Indeed, I would like, here, to venture the paradoxical assertion that good illustrations which are to serve in the elucidation of complex phenomena, must always involve a large measure of improba-

bility. This is because good examples must always be simple, comprehensive and striking, and must accordingly depart widely from the confused and undifferentiated facts of real life. I believe that Hume's classic example, that every person in the country on rising in the morning finds a gold piece in his pocket, will be admitted to be more improbable than the one I employed, and that Mr. Bostedo's own assumption, with which his criticism concludes, "that all the members of the community produced all their lives and all their lives lived up to their incomes," is, from the point of view of actual conditions, certainly no more probable than mine.

But—and this brings us to the third criticism, which touches at once the most important and most interesting point in the controversy—my illustration is characterized as not merely "unnatural" but even as "impossible," and the explanation built upon it is described as both "confused and contradictory."

The "impossibility" of my assumption, Mr. Bostedo undertakes to prove by means of the following syllogism: When all of the members of a community simultaneously save one-quarter of their incomes, they thereby reduce by one-quarter their demand for consumption goods. The lessened demand compels producers to curtail production correspondingly. But if production shrinks along with consumption, then obviously there can be no outlet for savings; the realization of the assumed saving of one-quarter of the community's income is thus shown to be impossible.

I suspect that this syllogism will arouse in the minds of most readers the suspicion that altogether too much has been proved. For if it were true, then not only would the simultaneous saving of one-fourth of the community's income be impossible, but all real saving would be impossible. If every attempt to curtail consumption must actually result in an immediate and proportionate curtailment of production, then indeed no addition to the accumulated wealth of society

could ever result from saving. Particular individuals might save portions of their incomes, but only on condition that other individuals in the same community consumed in excess of theirs; as a whole society could never lay aside portions of its social income, and the accumulations which certain nations like the French or Dutch have made in consequence of their greater average thrift in comparison with such peoples as the Spaniards or the Turks, must, however universal such phenomena may appear, be described as sheer illusion. I believe that Mr. Bostedo is really disposed to cling to this opinion with all its consequences; at any rate, his concluding statements seem to me to harmonize with this view, for he says with special emphasis that every saving is only a transfer of purchasing power from the savers *to other members* of the community. I am even more confident, however, that most readers will refuse to accept this analysis as one corresponding with their experience, and will conclude rather that there is something wrong with a chain of reasoning which leads to such an improbable conclusion.

The fault in the reasoning is indeed not far to seek. It is that one of the premises, the one which asserts that a curtailment of "consumption for immediate enjoyment" must involve also a curtailment of production, is erroneous. The truth is that a curtailment of consumption involves, not a curtailment of production generally, but only, through the action of the law of supply and demand, a curtailment in certain branches. If in consequence of saving, a smaller quantity of costly food, wine and lace is bought and consumed, less of these things will *subsequently*—and I wish to emphasize this word—be produced. There will not, however, be a smaller production of goods generally, because the lessened output of goods ready for immediate consumption may and will be offset by an increased production of "intermediate" or capital goods.

This last proposition is just what Mr. Bostedo refuses in

express terms to admit. In defending his position he adds to his first syllogism a second designed especially to prove that this assumption of mine is incorrect and, moreover, that it is inconsistent with the premises upon which my own theory rests.

His argument is essentially as follows: Production is universally called forth and guided by demand. This is true, even of the production of capital, since capital consists, according to my own theory as quoted by Mr. Bostedo, simply of unfinished goods. These are demanded, it goes without saying, only when and in so far as the finished or consumption goods expected to be made from them are demanded. It follows that, at last analysis, the production of capital goods is also called forth and guided only by demand for consumption goods. If, now, in consequence of universal saving, the demand for consumption goods is reduced by one-quarter, then it is not apparent how it can be possible for more capital goods than formerly to be demanded and produced. For who would have any inducement to producing an additional quantity of unfinished goods when the demand for finished goods, instead of becoming greater, has actually become less? What kinds of products are to be made from the increased supply of unfinished goods? Who is to buy them?

This reasoning of my honored critic is certainly presented with great dialectical skill. It has, however, one weak point. There is lacking from one of his premises a single but very important word. Mr. Bostedo assumes and represents me as assuming in my illustration, that saving signifies necessarily a curtailment in the demand for consumption goods. "He had assumed," he says, referring to me, "that all the people have curtailed their demand for consumption goods one-fourth." Here he has omitted the little word "*present*." The man who saves curtails his demand for *present* consumption goods but by no means his desire for pleasure-affording goods generally. This is a proposition which,

under a slightly different title, has already been repeatedly and, I believe, conclusively discussed in our science both by the older writers and in contemporary literature. Economists are to-day completely agreed, I think, that the "abstinence" connected with saving is no true abstinence, that is, no final renunciation of pleasure-affording goods, but, as Professor Macvane happily described it, a mere "waiting." The person who saves is not willing to hand over his savings without return, but requires that they be given back at some future time, usually indeed with interest, either to himself or to his heirs. Through saving not a single particle of the demand for goods is extinguished outright, but, as J. B. Say showed in a masterly way more than one hundred years ago in his famous theory of the "vent or demand for products" (*des débouchées*),¹ the demand for goods, the wish for means of enjoyment is, under whatever circumstances men are found, insatiable. A person may have enough or even too much of a particular kind of goods at a particular time, but not of goods in general nor for all time. This doctrine applies particularly to saving. For the principal motive of those who save is precisely to provide for their own futures or for the futures of their heirs. This means nothing else than that they wish to secure and make certain their command over the means to the satisfaction of their future needs, that is over consumption goods at a future time. In other words, those who save curtail their demand for consumption goods in the present merely to increase proportionately their demand for consumption goods in the future.

But if this is true—and I believe that Mr. Bostedo himself has no other conception of the nature of saving since he also, towards the end of his communication, recognizes that those who save expect a future return either to themselves or to their heirs, that they therefore do not "renounce" but merely "wait"—then the occasion for a curtailment of production—as Mr. Bostedo describes the matter—is absent,

¹ " *Traité d'économie politique*," Bk I, chap. xv.

since the demand for goods generally has not become smaller. There is, however, it is true, occasion for a change in the direction of production as I should describe it; for if fewer consumption goods are demanded at the moment and more in the future, and production is not to outrun the demand—as both of us assume—the productive powers must be so disposed that fewer consumption goods will be produced at the moment and proportionally more will come to maturity in the future. The principal way to effect this result is to invest the productive forces, land and labor, in more extended or round-about processes of production, or to produce in larger quantity than before “intermediate products,” from which, at a later period, goods ready for consumption may issue—in other words to increase the production of capital goods.

When Crusoe on his island saves up a store of provisions in order to gain time for the fashioning of better weapons, with which he hopes later to secure a much larger quantity of provisions, these relations are all clearly discernible. It is obvious that Crusoe’s saving is no renunciation, but simply a waiting, not a decision not to consume at all, but simply a decision not to consume yet; that furthermore there is no lack of stimulus to the production of capital goods nor of demand for the consumption goods subsequently to be produced by their aid.

In a complex industrial society with a highly differentiated division of labor the relations are the same, though they are not quite so easy to understand. One difficulty in the latter case is connected with the fact that the varieties of consumption goods to be demanded and the periods of time when they will be demanded, either by the person who saves or by his heirs, is not usually predetermined. The person who saves has in his hand, as it were,—and I think Mr. Bostedo’s opinion coincides closely with this view—an order calling for future means of enjoyment in general, which he may have filled exactly as he pleases in this or that kind of

consumption goods, dwelling houses, clothes, equipages, wines, etc., and which he may present for partial or complete satisfaction whenever he pleases, or even cause to be renewed again. From this circumstance results, it is not to be denied, a certain complexity from the point of view of production. But Mr. Bostedo appears to me not only to exaggerate the degree of this complexity, but to altogether misunderstand its real nature. While it is usually not possible to designate in advance the kinds of consumption goods towards which the demand of those who save will be directed, Mr. Bostedo assumes without more ado that such a demand, which is to serve as a stimulus and motive to further production, will be altogether absent. Such an assumption is just as indefensible as would be the assumption of a banker, who has received deposits and issued in exchange therefor certificates payable on demand in whatever form of currency the depositor may prefer, that he has no deposit liabilities whatever, and therefore is under no necessity of making provision to redeem these certificates of deposit by setting aside a reserve of means of payment. To be sure it is uncertain in just what form of currency or at just what time the deposit will be demanded, but that *it will be* demanded is certain. In exactly the same way it is certain that those who save will not merely not forego their claim to goods in the future, but that sometime they will assert it as regards both capital and interest, and that they will then draw out such goods as they choose in such quantity as they choose, up to the limit fixed by the amount of their claim, and that production may and must take into account this future demand.

But how can production take account of a demand whose direction is not yet known? This difficulty appears at first thought to be very great, but as a matter of fact it is not at all serious and in any event it is no different and no greater than analogous difficulties with which every system of production depending upon the division of labor must reckon

quite aside from the phenomenon of saving. The difficulty is not very serious because, in accordance with the law of large numbers, particular idiosyncracies and whims to a certain extent offset and compensate each other. The case of depositors in a bank serves here again as a good illustration. Each separate depositor may draw out the whole or a part of his deposit, whenever he chooses, but if the banker has a large number of depositors experience teaches that all of them will never want their deposits at once, but that the withdrawals will obey, more or less perfectly, a regular rule, and, in consequence of this fact, as is well known, bankers need to keep as a reserve in ready money only a small proportion of their demand liabilities and may invest the remainder in their business. It is exactly the same way in the case of saving. Here, too, production may count on having only a certain proportion of the claims to capital and interest presented as demands for consumption goods in each productive period and on having the remainder prolonged as titles to ownership over intermediate products or capital goods. Production, consciously or unconsciously adjusts itself to the situation, when, as must be the case in every capitalistically organized community, matters are so ordered that in each period a certain quantity of goods ready for consumption is turned out, while a greater stock of goods in the form of capital remains over for the service of future periods.

But, one may ask, to what kinds of consumption goods shall production be directed when it is not known in what kinds of goods those who save may decide to have their claims discharged? The answer is very simple: those directing production know this no better, but also no worse of the special demand of those who save than they know it of the demand of consumers generally. A highly complex, capitalistic and sub-divided system of production does not wait usually for wants to assert themselves before providing for them, it has to anticipate them some time in advance.

Its knowledge of the amount, the time and the direction of the demand for consumption goods does not rest on positive information, but can only be acquired by a process of testing, guessing or experimenting. Production may indeed make serious mistakes in this connection and when it does so it atones for them through the familiar agency of crises. Usually, however, it feels its way, drawing inferences for the future from the experience of the past, without serious mishap, although sometimes little mistakes are with difficulty corrected by a hasty rearrangement of the misapplied productive forces. Such readjustments are materially facilitated, as I was at pains to show at length in my "Positive Theory," by the great mobility of many intermediate products.

Moreover, the law of large numbers acts here again as a balancing and compensating agency. It is, indeed, highly improbable that all of those who save will liquidate their counter claims in exactly the same kinds of consumption goods. It is much more probable that their claims to pleasure-affording goods will divide themselves between the different branches of production in the same proportion that has already determined the direction of previous productive processes, or at any rate that they will not depart suddenly and violently from the standard so set. The compensating effect of the law of large numbers is further re-enforced by the fact that the demand for consumption goods arising from the counter claims of those who have saved constitutes no isolated influence but is fused with the other demands for consumption goods of all the other classes in industrial society into one great composite demand.

Finally, one further consideration, whose influence Mr. Bostedo appears to me to have ignored without the least justification, must not be overlooked. This is the increased efficiency which production acquires in consequence of the prolongation of the period of production made possible through saving. With or without an increasing demand on the part of the public, every individual producer is striving

to improve his methods of production, since in this way he may get ahead of his competitors and secure for himself a larger share of the market. If, now, the opportunity is presented to business managers through the offer of the savings of others, to improve their productive appliances, no one need feel any anxiety that they will not be glad to embrace such a chance and that the "inducement to a greater investment of capital," which Mr. Bostedo fails to discover, will not be present. And if the technical improvement once works out its effects in the shape of more efficient production and cheaper products, no one need again be concerned lest the cheapening shall fail to call forth new strata of demand, nor lest the all around increase in the supply of products shall fail to lead on the other hand to a proportionate increase in sales in the sense of Say's famous theory of "vent or demand for products."

It is thus, in my opinion, that the phenomena connected with saving are interrelated. The matter presents itself to me otherwise than to Mr. Bostedo, but not, I hope, because my view is less comprehensive or more superficial.

Mr. Bostedo appears to me to leave a serious gap in his explanation of the formation of capital, when he decides to disregard entirely the part which saving plays in the process and to rely exclusively upon the ability of capital goods to come into existence of themselves so soon as the demand for consumption goods directs itself towards those in whose production the capital goods required play a useful rôle. For he overlooks here the fact that all kinds of pleasures and pleasure-affording goods may be created in a great variety of different ways; grain, the most universal necessity of life, may be produced either by so-called "extensive" culture in short periods with little capital, or by so-called "intensive," long-period culture with correspondingly more capital; and one may travel either on a mule's back, in a sedan chair, by carriage, by automobile or by railway. When a nation acquires a taste for travel, it cannot unfortunately place the

slightest reliance on the ability of lines of railway to spring up spontaneously out of the ground, but if it wishes to construct them with its own resources, it must have previously saved the needed sums out of its income, and if this has not been done, it must call in the aid of the savings of other nations; but for the savings of the English and the French, Egypt would not to the end of time have built the Suez Canal.

E. BÖHM-BAWERK.

Vienna.

COMMUNICATIONS.

BELGIUM'S GOVERNMENT INSURANCE BANK.

Like the savings bank, the insurance bank looks beyond the direct good to be accomplished in enabling the poor to provide against future misfortune, to the indirect and larger good of inculcating habits of thrift and frugality among the classes which suffer most from the lack of these qualities.

Belgium, in addition to the general savings and pension bank established under the guarantee of the state by the law of March 16, 1865, has created an insurance bank, annexed to the pension bank and also under the guarantee of the state. The rates and conditions of insurance are set forth in the royal decree of June 16, 1896. The bank insures for life principals to an amount not exceeding 5,000 francs for one person. Its business may therefore be compared with industrial insurance in the United States, as in this country ordinarily only industrial insurance companies write less than \$1,000 on a single life. Industrial premiums in this country may be paid weekly, but the premiums to the Belgium bank are paid yearly, or may be paid all at once. It may be stipulated that the principal will, at the falling due of the contract, be deposited in the Belgium pension bank, and employed in the acquisition of securities to the profit of the beneficiary or beneficiaries.

The insurance department is managed by the council of administration of the bank, of which the director-general is the executive head. The general conditions of these insurances are fixed by the general council of the savings and pension bank, subject to royal sanction. The approved regulations require a signed declaration and a medical certificate as the basis of the insurance, and these form an *integral part* of the contract. False declarations, even when made in good faith, which modify the character of the risk, are cause for annulling the contract without notice to the insured. The contract may be annulled for other causes also, notably in the case of suicide or of death resulting from habitual excesses of drink. In such cases the premiums, less 3 per cent, are repaid.

Proof of death must be made within three months. In case of death by war or by a riot, the bank reimburses the redemption value of the capital insured increased by one-twentieth of the difference between the capital invested and the redemption value. Should the taker of insurance prove incapable of earning his living, a declaration and a doctor's certificate secure the repayment of the redemption

value of the policy. In case of non-payment of a premium, the policy is replaced by a paid-up policy for a reduced capital depending on the number of premiums already paid. The policy may be revived within five months of the date of lapse upon renewed application, payment of premiums in arrears, with interest at 3 per cent per annum, and satisfactory medical evidence of insurability. The bank may take in the members of recognized mutual aid societies upon special conditions. Dividends or a distribution of surplus may take place at the discretion of the council of administration every five years.

The tariffs are based on 3 per cent as the rate of interest, 3 per cent as the expense of administration or registration, and on the chances of mortality calculated by M. Quetelet, director of the Royal Observatory of Brussels. The expenses of medical examination are paid not by the bank, but by the taker of insurance.

The minimum premium contracted for, either annual or single, is 10 francs (\$2) paid in advance. The industrial companies of America contract for weekly premiums as low as five cents (\$2.60 per annum). A remarkable difference is found in the relative methods of determining premiums and benefits or principals insured. The Belgium insurance bank charges a fixed premium, the same for all ages and kinds of policies, making the capital insured vary according to the mortality and the time of investment. In America the premium varies while the amount of the policy is fixed for all ages and contracts. The endowment feature, common to old line policies, and recognized in child's endowment industrial policies, is embodied in mixed insurance by the Belgium government. The insured capital is payable at the end of the contract or at the end of the insurance year in which the death of the insured takes place, if the latter dies before the expiration of the contract.

A comparison of the rates for the maximum bank policy (\$1000) in Belgium and for the minimum ordinary policy (\$1000) in the United States is interesting: At age 52 next birthday on a three per cent basis and American mortality, the annual premium in the New York Life Insurance Company on an endowment maturing in 10 years or at previous death is \$116.10 per \$1000 of insurance. Belgium's insurance bank offers \$1000 on the same conditions for \$100. All the other rates under Tariff I are relatively as cheap. At age 25, the premium of a thirty-year premium life policy in the New York Life is \$25.64 per \$1000. Tariff II of the insurance bank offers similar protection at the rate of \$22.84 for \$1000 (\$2 per \$87.44). At age 40 a single-premium life policy in the New York Life costs \$496.41 per \$1000. The Belgium rate is exactly \$500 per \$1000. So that the cheapness of the insurance

offered by the government results from the economy of administration rather than from a lower death-rate. The poor have better protection under the honest administration of the bank than under a private corporation conducted according to competitive principles as practiced in the United States.

Industrial insurance has gone far toward supplying the need of more stimulus to the savings habit. It is based on the inherent trait of Anglo-Saxon peoples to provide a respectful burial of their dead. The earlier forms of association, such as guilds, fraternities or secret orders, and trades' unions have failed lamentably to guarantee a proper financial return to the insured. Mr. Peacock, of Zanesville, Ohio, seems to have made the first attempt to adapt life insurance to the industrial classes in the United States.¹ The idea is to give the masses as well as the classes a present means of obtaining a certain advantage over an uncertain event. The fact that pauper burials have steadily decreased from the rate of 210 per 100,000 in 1880-84 to the rate of 156 per 100,000 in the period from 1895-99 shows a result which may be largely due to the increased savings creditable to the industrial companies. The evidence of a robust struggle on the part of millions of the working people to attain economic independence has turned public opinion in favor of even child insurance.

It might be economically advantageous to have an insurance bank guaranteed by the United States. The cost of industrial insurance is the great objection to private control. The mortality is higher than in ordinary life risks because of less careful physical and moral investigation. Not only the number of bad risks, but also the commissions for underwriting and collecting are greater. Government ownership would be a practical monopoly and avoid the expenses of competitive solicitation of insurance and the collection of the premiums from the homes of the insured. Stamps might be used to pay the premiums at the post-office. But the movement for industrial insurance in this country seems destined to develop along natural lines rather than by legislation creating a government insurance bank.

CLAUDE L. ROTH.

Philadelphia.

FRANCHISE LEGISLATION IN MISSOURI.

Among the laws passed by the Legislature of Missouri at its recent session was one providing that corporations doing business within the state should be subject to a tax upon the special privileges or franchises which they possess. The subject of franchise legislation was made very prominent by both parties in the campaign of 1900. The

¹ *Vide*, Insurance Times, 1868, p. 232.

platform adopted by the Democratic party at Kansas City on June 6, 1900, contained the statement that "we believe all corporations doing business in this state should bear the just proportion of taxation; we therefore demand the taxation of all corporate franchises, both domestic and foreign, doing business in the state." In reply to this the Republicans declared ten days later, at the same place, "that the Republican party stands pledged to the enactment of such equitable revenue statutes as will equally distribute the burden of taxation upon all classes of property, tangible or intangible, and we denounce the duplicity of the Democratic party of the State of Missouri in representing to the people that they favor the taxation of public franchises while their legislative enactments prove the dishonesty of their representations."

The November election resulted in the choice of a Democratic governor and a legislature overwhelmingly of the same political faith, and when the latter body met in January there was no obstacle in the way of the fulfillment of the party's pledge. The Republican papers declared constantly that the promise was not made seriously, and there seemed to be some justification for the charge in the conduct of the party in power, which could come to no agreement for weeks in spite of its great majority. It was given out that the arguments of a powerful lobby had converted the legislature, until the latter now believed that a franchise law "would be ruinous to corporations now on the verge of bankruptcy, such as the St. Louis Transit Company, capitalized at \$90,000,000; the LaClede Gas Company, valued at \$20,000,000; and the Missouri Pacific Railroad." There seemed to grow up in the party a faction that was decidedly lukewarm on the subject at issue. Indeed, no less a person than the speaker of the House of Representatives was quoted as saying that "under the present laws it is within the power of the state to tax all property in the state. I am in favor of a law to tax franchises, not because I think it would give any more power than we now have, but it would remove all doubt on this point. In fact, I do not believe you will ever be able to frame a law that will give you any more authority than you now have."

But the desire to pass some sort of a franchise tax law was felt by many of the legislators, and bills to that effect were frequently proposed during the session. Some succeeded in passing the committees to which they were referred. Some got through one house, but none seemed likely to pass both bodies and become a law. Governor Dockery was at all times an interested watcher of these attempts, and when it appeared that the time for adjournment would find no law ready for his signature, he began himself to take an active part in the deliberations of the legislature. While the bills from the senate and

house committees were before the senate, he appeared in person, with a substitute bill of his own writing, at a meeting of the committee of the latter body.

In a special message to the senate, he wrote that "in considering legislation of this character, the difference between private business corporations and those owning public utilities, performing public services, and possessing special and peculiar privileges, conferred upon them by the state or its municipalities, must not be overlooked. There is a distinction between the character and nature of the franchise conferred upon a private corporation, formed to conduct an ordinary business enterprise, and the franchise conferred upon a quasi-public corporation. The difference is not merely in degree, but also in kind. There is no constitutional obstacle to prevent the classification of objects for the purposes of legislation, provided such classification is a natural and not merely an arbitrary one.

"A private business association receives from the state the privilege to be a corporation. This is all that is conferred upon it. . . . It is not so, however, with corporations possessing the privilege of using the public streets, acting as common carriers, receiving and collecting tolls, and performing other public services and functions, under the permission of the state and its municipalities. Such special privileges add greatly to the value of the tangible property of the corporation, and constitute intangible property which has a real, substantial value. Whatever adds to the value of property upon the market should enter into the estimate of its value for taxation. It is not in such cases the right or privilege 'of being a corporation' that should be taxed (which is all that is conferred upon a private corporation, and can be obtained by the proper number of citizens at any time) but the special privilege of exercising public functions, using public property and managing public utilities."

The exertions of Governor Dockery had their reward when, a very short time before the end of the session, a bill was at last passed "for the taxation of franchises and requiring the state board of equalization to assess the same." By the law as enacted and signed by the governor it is provided that all corporations or quasi-corporations, save those formed for religious, educational or benevolent purposes, "owning, operating and managing public utilities, and . . . possessing special and peculiar privileges and authorized by law to perform any public service" shall have their franchises assessed and taxed "at the same time and in the same manner as other property of such corporation" is now, or hereafter shall be assessed and taxed. For the purpose of determining the value of the franchise, the board or assessor shall ascertain "the total value for taxable purposes of the entire

property of such corporation, tangible and intangible, in this state, and shall then assess the tangible property and deduct the amount of such assessment from the total valuation and enter the remainder upon the assessment list or in the assessor's books, under the head of 'all other property.' "

The letter of the promise has thus been fulfilled, but it remains to be seen whether, in their interpretation of the law, the board of equalization will carry out the spirit of the campaign pledge. Their instruction is extremely indefinite, and, with no prescribed method of determining the real value of the franchise, it is only too probable that the board may almost ignore the law. The discretionary powers are so great as to destroy the compulsory character of the statute.

FREDERIC L. PAXSON.

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RELATION OF THE STATE TO MUNICIPALITIES IN RHODE ISLAND.

Rhode Island was founded upon the principle of individualism, and for this principle it has stood throughout the greater part of its history, colonial and national. Naturally the spirit of local independence has always been strong—so strong that it is even contended by many that the relation of the towns to the state is the same as the relation of the states to the nation. The theory of inherent powers residing in the towns, independent of any incorporation by the state, is maintained with considerable plausibility on the basis of actual historical conditions.

All the more striking, then, is the fact that the Rhode Island legislature is no whit behind the legislatures of other states in the extent to which it arbitrarily interferes in the affairs of the cities. The situation is aggravated by the fact that a strong minority of the house and a strong majority of the senate consist of members from what may properly be called rotten boroughs. According to the constitution of 1842, not since changed in this respect, the senate consists of one senator from each town and city (without any regard to population), and in the house, which is limited to seventy-two members, each town has at least one representative, and no town or city more than one-sixth of the whole number. Providence, with two-fifths of the state's population, has one out of thirty-seven senators, and twelve out of seventy-two representatives. With a large number of back towns having populations of 600 to 3,000, decreasing in many instances, the resulting corruption in politics is easily understood.

The boss in the dominant party has for years been building up political control of these rotten boroughs, until to-day he is master of the legislature. "What he says goes." He acts, not to further

his own political fortunes, but as the agent of a small group of men, who, besides completely controlling the state politically, have during the last ten years obtained by his assistance a practical monopoly of electric traction lines, electric lighting, and bay and harbor transportation in the state.

This control of our legislature is solidly buttressed by the provision of the constitution, which requires a two-thirds vote of each house in two successive legislatures in order to propose an amendment to the constitution. No new and equitable apportionment can be arrived at without the consent of the little towns, and when to their natural reluctance to relinquish power long held are added the exigencies of partisanship, the result is a combination which cannot be overcome.

The legislature is a close corporation, then. In the last decade it has made what is supposed to be an irrevocable contract with the street railroad company whose lines radiate from Providence, giving it a monopoly for twenty years and probably much longer, and limiting to five per cent the rate at which its gross receipts may be taxed by the city. It has changed the time of the city election to coincide with the date of the national election. It has saddled a "Board of Canvassers and Registration" upon the city, for which the latter has to pay and pay well. It has proposed an amendment to the constitution dividing the city into legislative districts for the sake of maintaining partisan control of the city. From the mayor of the neighboring city of Pawtucket it has taken most of his power because he was of the opposite party. During the session which has just adjourned *until after election*, a bill was introduced to saddle a police commission upon Pawtucket, but owing to the unprecedented uprising of a vast majority of the citizens of that city, the bill has been given up for the present. A bill, evidently framed in the interest of the street railway company, was valiantly opposed by a few young members of the house and barely defeated; but within a few days it was brought up in the senate, slightly changed, and passed by both houses in spite of the same valiant opposition. In all but the one instance named, local protests, and they have been strong, have gone for nothing.

Looking at the matter in a general way, it would seem that a distinction must be made between arbitrary interference in local affairs for partisan or monopolistic advantage, and the regulation of matters which, on account of changed conditions, are becoming of general as well as local concern. The former, which is wholly evil, can be remedied by a general awakening of public spirit and increased watchfulness, and more particularly by the improvement of our legislative machinery, through caucus laws, representation which is represen-

tative—*i. e.*, proportional, and a referendum of all-important local measures to the localities themselves. As to the latter, in Rhode Island, where over 85 per cent of the people live in cities and towns of over 8,000, and where four-fifths of their number are within a radius of fifteen miles of the state-house in Providence, the state regulation of many things formerly deemed the exclusive province of the town or city, is bound to come. Were the legislature an actual representation of the people instead of a parody on it, there would be little cause for complaint in this compact little "city state," as it has been aptly styled.

SIDNEY A. SHERMAN.

Brown University.

MR. CARNEGIE AS ECONOMIST AND SOCIAL REFORMER.

Under title of "The Gospel of Wealth,"¹ is brought together in convenient form, the thought product of a man who has not only proven himself a master in industrial enterprise, but also in close touch with his fellow men. Foreign-born, coming to America as a poor boy with his parents and younger brother, the whole family wage-earners, Mr. Carnegie is a splendid example of the common man, rising from squalor and adversity to the commanding position which honesty, industry and high standards of life make possible under free institutions. It is a commentary on European conditions to read of Czar and Emperor trembling for personal safety, looking upon the common man as a menace to society. Under the freer conditions of America, Australia or Canada this same class, many of them the very ones whose attitude toward society has been considered most dangerous, revolutionists, even criminals, coming to lands where the hold of government is most lax, become strong, useful, patriotic citizens—liberty-loving, but strong in their attachment to law and social order. It is quite as significant to find those who have labored in poverty, whose only shelter had been a shed, and whose reasonable hopes, under European conditions, could never rise above the associations of a thatched roof, becoming the sturdy, substantial men of affairs, or, possessed of uncommon ability, with broader opportunity given, coming to the forefront in the management of industry, commerce, in politics and in learning. Too often do we hear our institutions and our society berated. Too often do we have the narrow view of the man who draws his picture from the constrained horizon of a privileged class or the perverted eccentricity of a weakling. It is most hopeful to find a man, rising from humble station, attaining to success which gives him power superior to that of kings, still announcing a doctrine full of patriotic devotion to the institutions that have been favorable to his

¹ Published by the Century Publishing Company. New York, 1900. Pp. 305.

rise, keenly sympathetic with his fellows and enthusiastic for the amelioration of conditions against which the less fortunate must struggle.

The circumstances out of which Mr. Carnegie has risen give to his expressions on social and economic questions more than common interest. It is the purpose of this review to point out some of the leading principles set forth in this collection of essays.

The premises of Mr. Carnegie's theory of wealth are those generally admitted by those who think seriously about social and economic problems, viz.:

1. That invention, improved industrial equipment, division of labor, increased capitalization, etc., are the means whereby man is able to provide more abundantly for the satisfaction of his wants.

2. That with better industrial equipment and broader co-operation special ability in the management of enterprise is essential.

Conclusion: "A condition of affairs under which the best interests of the race are promoted . . . inevitably gives wealth to the few," while the masses have only an increased competence as their reward.

It should be noticed that Mr. Carnegie uses wealth to mean a surplus over and above "moderate sums saved by many years of effort, the returns from which are required for the comfortable maintenance and education of families." This moderate sum is not regarded by him as wealth, "but only competence, which it should be the aim of all to acquire, and which for the best interests of society should be acquired." His theory, therefore, proceeds from the generally recognized fact, that with modern improvements in production there is a large surplus remaining after satisfying the demands of those contributing to the co-operative process. In other words, that the enormous wealth accumulated in the hands of modern industrial and financial managers is the result of gross income increasing faster than the increase in wages and other charges against gross income.

The point of departure is quite the same as that employed by others in their reasoning; the striking feature of Mr. Carnegie's "gospel" is found in his concept of the duties and responsibilities of men of wealth. The second step in his philosophy, if reduced to logical form, would be something as follows:

Wealth is the product of co-operative effort.

The enormous surplus which flows from modern industrial process comes to the few by reason of established principles of social order—principles evolved by society as a basis for harmonious effort, such as the protection of rights of property, the right to individual initiative, the right of incorporation, etc.

Since the millionaire is made by the social order in which he lives, he holds his wealth "in trust" for the benefit of that society.

Mr. Carnegie's theory of disposition of surplus, of duty and responsibility, is based on the idea of trusteeship. The conclusion naturally follows that the aim of a man of wealth should be to administer the surplus in his hands in the interest of social welfare. By so doing, it is his thought, "the ties of brotherhood may still bind together the rich and poor in harmonious relation."

The whole question of trust responsibility is raised by the question: "*What is the proper mode of administering wealth after the laws upon which civilization is founded have thrown it into the hands of a few?*" Mr. Carnegie sees only three modes in which surplus wealth can be disposed of:

1. It can be left to the families of decedents.
2. It can be bequeathed for public purposes.
3. Or, finally, it can be administered by its possessors during their lives.

Of these, the first is considered the least judicious. He sees nothing but failure in the past—failure from the point of view of the welfare of the family, failure with reference to the welfare of society. For evidence, he points to monarchical countries, where the estates and the greatest portion of the wealth of the ancestor have gone to the first son. This form of bequest is based on the hope that the ancestor's name and title might descend unimpaired to succeeding generations. "The condition of this class in Europe to-day," says Mr. Carnegie, "teaches the failure of such hopes and ambitions. The successors have become impoverished through their follies, or from the fall in the value of land. Even in Great Britain the strict law of entail has been found inadequate to maintain an hereditary class."

Under republican institutions the division of property among children is considered much fairer; but the question which forces itself upon thoughtful men in all lands is: "Why should men leave great fortunes to their children? If this is done from affection, is it not misguided affection? Observation teaches us that, generally speaking, it is not well for the children . . . neither is it well for the state. There are," continues Mr. Carnegie, "instances of millionaires' sons unspoiled by wealth, who, being rich, still perform great services to the community. . . . Unfortunately they are rare. It is not the exception, however, but the rule that men must regard; and looking at the usual result of enormous sums conferred upon legatees, the thoughtful man must shortly say, "I would as soon leave to my son a curse as the almighty dollar, and admit to himself that it is not the welfare of children, but family pride, which inspires these legacies."

The second mode of administration is considered as a half-hearted

way of serving the public. In the first place, the decedent runs the risk of having his will defeated, or the funds misdirected. In the second place, it is to be fairly assumed that he who contributes nothing toward public welfare during his lifetime makes this disposition because his wealth cannot be of any further service to himself; that he would not give it to the public if he could take it with him.

The third mode, that of administering wealth during the lifetime of the possessor, commends itself most favorably. It is in this that is to be found the true antidote for "the temporary unequal distribution of wealth." The effect of such a plan of distribution would be "the reconciliation of the rich and poor"—a reign of harmony . . . Under its sway we shall have an ideal state, in which the surplus wealth of the few will become, in the best sense, the property of the many, because administered for the common good. Wealth is thus regarded as "*passing through* the hands of the few" for the benefit of the many; and this by forethought in administration and proper direction given by those accustomed to the management of great estates, to be "a much more potent force for the elevation of the race than if distributed in small sums to the people themselves."

Mr. Carnegie summarizes the duties of the man of wealth as follows:

"To set an example of modest, unostentatious living, shunning display or extravagance; to provide moderately for the legitimate wants of those dependent upon him; and after doing so, to consider all surplus revenues which come to him simply as trust funds, which he is called upon to administer in the manner which, in his judgment, is best calculated to produce the most beneficial results for the community—the man of wealth thus becoming the mere trustee and agent for his poorer brethren, bringing to their service his superior wisdom, experience and ability to administer."

Having established his ideal, the duty of the man of wealth, the most difficult problem follows—the practical method of administering riches in such manner as to conserve social welfare. Here we have the good practical sense of the man most strongly brought out. He announces for his major premise, as before, a well-admitted fact, viz., that *one of the most serious obstacles to the improvement of our race is indiscriminate charity*. To recognize the fact that giving to the beggar on the street, or contributing to the poor in such a way as to encourage a spirit of dependence, degrades them and tends to undermine our whole social strength, is certainly a step in the right direction. If people charitably inclined could be made to realize that, "of every thousand dollars spent in *so-called* charity to-day, it is probable that nine hundred and fifty are unwisely spent—so spent indeed as to produce the very evils which it hopes to mitigate or

cure;" if the man of wealth would but recognize that "it were better for mankind that the millions of the rich were thrown into the sea than so spent as to encourage the slothful, the drunken, the unworthy;" if those in circumstances to give would not look upon their contribution as something to be given away, but as a trust to be carefully and conscientiously administered for social welfare, much progress would be made. The degenerate must finally succumb by reason of his degeneracy. Wealth should not be used to breed a new race of degenerates; rather in such manner as will assist men to become strong, self-reliant, useful members of society. "In bestowing charity, the main consideration should be to help those who will help themselves; to give to those who desire to rise, the aids by which they may rise."

Among the best uses by which a millionaire can devote the surplus of which he should regard himself as only a "trustee" are the following:

The building up and endowing of institutions of learning; contributions to free libraries; the founding of hospitals, medical colleges, laboratories and other institutions connected with the alleviation of human suffering, and especially with the prevention rather than the cure of human ills; public parks; public halls, and auditoriums for meetings of all kinds; swimming baths and churches. All of these are regarded as proper means for the upbuilding of the race, but even in such benefactions Mr. Carnegie is careful to make the qualification that the means should be granted only on condition that the community will accept and maintain the object as a public institution. He would have not only the individual but the organized community inspired with the idea of self-help, and the wealth of the millionaire esteemed as an aid to higher effort.

Flowing naturally from Mr. Carnegie's trust theory of wealth, he announces his unqualified support of the inheritance tax as "a cheering indication of the growth of a salutary change in public opinion." It is his thought that nations should go much further in this direction. "Indeed," he says, "it is difficult to set bounds to the share of a rich man's estate which should go at his death to the public through the agency of the state, and by all means such taxes should be graduated, beginning at nothing upon moderate sums to dependents and increasing rapidly as the amounts swell, until of the millionaire's hoard as of Shylock's, at least

'To the privy coffer of the state,
The other half comes.'

"This policy would work powerfully to induce the rich man to the administration of wealth during his life, which is the end that society

should always have in view, as being by far the most fruitful for the people."

Writing on the relations of capital and labor, he holds that capital is properly regarded as an instrument of production. The problem of society with reference to capital is that of its highest and best use. Human ability is the second factor. Capital is the means whereby this ability is increased. This highest and best use of these two factors, capital and human ability, is accomplished through broad co-operative enterprise. There must be an organic relation established between the two. It is Mr. Carnegie's belief that the possession of wealth should relieve no man of the duty of devoting his best thought and energy to useful occupation—something that will contribute to human comfort or happiness. In true democratic spirit, the old idea that industry is vulgar is discarded. Perhaps nothing marks Mr. Carnegie as truly American more strongly than this. His great mind revolted at the idea that he who, possessed of the every means of making the struggle of life easier and the victory the more complete, should look for reputation and applause in idle luxury or display. He imbibes the spirit of Mr. Gladstone and President Cleveland. He exults in the victories that the industrial classes have achieved against ideals of caste and privileged class. "The struggle in which labor has been engaged during the past three hundred years, first against authority and then against capital, has been a triumphal march. Victory after victory has been achieved. . . . Even as late as the beginning of this (the nineteenth) century, the position of the laborer in some departments was such as can scarcely be credited . . . down to 1779 the miners of Britain were in a state of serfdom. They were compelled to remain in pits as long as the owners chose to keep them or work them, and were actually sold as part of the capital invested in the works. If they accepted an engagement elsewhere, their master could always have them fetched back and flogged as thieves for having attempted to rob him of their labor.

"Consider the change, nay, the revolution. Now the poorest laborer in America or in England, or indeed throughout the civilized world, who can handle a pick or a shovel, stands upon equal terms with the purchaser of his labor. . . . Not only has the laborer conquered his political and personal freedom; he has achieved industrial freedom, as well, as far as the law can give it. And he now fronts his master proclaiming himself his equal before the law."

Speaking of the English reform law of 1885, Mr. Carnegie, with feelings of pride, remarks: "For the first time in their history the majority of the people have power. Henceforth England is democratic. Cajoled, overruled, thwarted for generations by the aristocratic

classes, who have doled out to them from time to time only such small measures of reform as were necessary to prevent revolution, the people have never been fully heard. A climax, however, was reached last session, when an act was forced upon the House of Lords, which at once transferred power from the privileged few to the masses."

Equal before the law! Industrial freedom as far as the law can give! But Mr. Carnegie would not stop here. He recognizes that the justice of labor's claim may not be secure so long as superior forces are arrayed against it. He, therefore, would have this freedom established and enforced through higher education and labor organization. "Education is everywhere a sure destroyer of privilege." "I attribute the greatest importance to an organization of the men, through whose duly-elected representatives its managers may be kept informed from time to time of their grievances and suggestions." Mr. Carnegie considers labor organizations as essential to labor rights—essential to peaceful co-operation between capital and labor. The methods suggested as a means to better adjustment of the relations of capital and labor are as follows:

1. A co-operative arrangement by which the workers may become part owners—profit sharers.
2. Compensation based on a sliding scale of prices.
3. Conferences between representatives of organized labor and industrial managers.
4. Peaceful arbitration in all cases where differences cannot be settled by representatives.

As to the organization of capital Mr. Carnegie concludes "that this overpowering, irresistible tendency toward aggregation of capital and increase of size in every branch of product cannot be arrested or greatly impeded; and that instead of attempting to restrict either we should laud every increase as something gained—not for the few rich, but for the millions of poor. . . . Every enlargement is an improvement, step by step, upon what preceded. It makes for higher civilization, for the enrichment of human life. Not for one, but for all classes of men."

This in a nut-shell sums up his views as to the organization of capital and industry. But he cannot see any wholesome result coming from the modern "trust;" this appears to him as misdirected effort. He sees no peril to industrial progress in the trust, only ruin for the promoters and financial managers. To use his language, "every attempt to monopolize the manufacture of any staple article carries within its bosom the seeds of failure. Upon most of them can already be written the appropriate epitaph:

"If I was so soon to be done for,
I wonder what I was begun for.'"

University of Pennsylvania.

FREDERICK A. CLEVELAND.

PROCEEDINGS OF THE ACADEMY.

Report of the Fifth Annual Meeting, Philadelphia, April 12th and 13th, 1901.

AMERICA'S RACE PROBLEMS.

The fifth annual meeting proved to be the best attended and most successful the Academy has yet held. The timeliness of the topics discussed and the exceptionally even and high standard of excellence of the papers presented throughout the meeting called forth many words of praise from those present, and were reflected in the newspaper comments upon the various sessions.

The meeting was called to order by the President, in the Assembly Room of the Manufacturers' Club, on Friday afternoon, at 3 o'clock. Dr. Talcott Williams, of Philadelphia, was introduced as the presiding officer. He spoke briefly upon the topic of the session, namely, The Races of the Pacific, and upon the particular qualifications of the speakers announced on the program. He then introduced Dr. Titus Munson Coan, of New York City, who gave an address upon the Natives of Hawaii. Dr. Coan is the son of a missionary to Hawaii, and was himself born on the island and resided there for over nineteen years. He spoke most entertainingly of the personal impressions of a native-born, of the characteristics of the people and of their habits and customs. He dwelt at some length upon the Polynesian checks to population practiced in the Hawaiian Islands as in other sections of Polynesia.

Following Dr. Coan the Rev. Charles C. Pierce, D. D., United States Army Chaplain, now stationed at Fort Meyer, Virginia, who has recently returned from over two years of service in the Philippines, spoke upon the Tagals, giving a very vivid picture of these people in their relation to the other tribes in the Philippine Islands. He emphasized especially the fact that the Tagal is an alien in the Philippines and that his influence and capabilities are much overrated. One incident of this session which is deserving of mention, occurred in the discussion following these papers when Rev. Dr. Charles Colman, of Philadelphia, bore witness to the efficiency of Chaplain Pierce's services in the Philippines. Dr. Colman said that he had two sons in the war, of whom one died in Cuba while the other returned from the Philippine Islands a physical wreck. Speaking of the latter he said, "In those long and weary days which followed his homecoming, he often talked with me of the brave deeds of his companions

in the tropical campaign and of his experiences in the hospital after he was stricken with disease. But, sir, there was one man about whom he frequently spoke—one whom he held in highest regard and esteem. He has told me of his unfaltering courage and of his unshaken faith, of the comfort which he brought and of the cheering words he spoke to the sick and lonely, of his loving ministrations to the dying and of the patience and persistence with which he attended the affairs of the dead; no soldier passed on his way from those foreign shores to await the final reveille whose body was not taken in charge by this all-powerful man, and there is no case on record of an unidentified body within the province of his duties." Dr. Colman further declared that he did not know Dr. Pierce, but was very glad to have this opportunity of publicly expressing his appreciation of the man. The incident produced a marked impression upon the meeting and, along with other expressions of admiration for Dr. Pierce's work, lent peculiar interest to what he had to say.

A paper by Rev. Oliver C. Miller, D. D., Chaplain of the United States Army, upon the Semi-civilized People in the Philippines, was read by title. Dr. Miller is now stationed at the Presidio, San Francisco, and his paper had not arrived at the time of the meeting, but it will doubtless be printed in the proceedings.

The second session was called to order by the President of the Academy at the New Century Drawing Room, on Friday evening, at 8 o'clock. The President reviewed the work of the Academy during the year since the last annual meeting, calling attention to the large demand for a wide circulation of the Academy's publications during the year, and especially of the volume on "Corporations," containing the addresses at the last annual meeting. He also described the encouraging growth of the Academy in numbers and influence, and showed how, through the publications, work done by the Academy at its local meetings, was extended throughout the country. The need of a larger measure of co-operation among the members of the Academy, in securing the facilities for making its work permanent, and the peculiar responsibility resting upon an organization of this character, when public education on social and economic questions is so imperative, was emphasized. Professor Lindsay then introduced, as the orator of the evening, Professor Edward A. Ross, of Nebraska University, who delivered the annual address. The subject which Professor Ross treated ably in the course of an hour's address was "The Causes of Race Superiority." Following the annual address an informal reception was held, at which the members and their friends and invited guests were given an opportunity to meet the speakers of the evening.

On Saturday morning, April 13, many of the out-of-town visitors assembled by invitation at 9:30 at the Museum of Science and Art of the University of Pennsylvania, where they were received by the Curator, Dr. Stewart Culin, who personally conducted the party and described the valuable collections of the Museum. In the Assyrian department Dr. Clay, who is associated with Professor Hilprecht, gave a very interesting explanation of the tablets recently excavated at Nippur and constituting the earliest record of civilization which has yet been found. Another party gathered at the Philadelphia Commercial Museum at 10:30, where Mr. Tingle, one of the officers of the Museum, was in waiting. After a brief address on the consular service of the United States, he conducted the party through the Museum and explained the large and valuable collections of industrial products from all over the world, which the Museum has collected.

On both days a large number of members and guests gathered for luncheon at the Manufacturers' Club, which extended to the Academy throughout the meeting the freedom of its club house, as did also the Art Club of Philadelphia and other social organizations.

The third session was called to order at three o'clock on Saturday afternoon, and Colonel Hilary A. Herbert, of Alabama, ex-Secretary of the Navy, was introduced as the presiding officer, the topic of the session being "The Race Problem at the South." Colonel Herbert gave an eloquent address presenting a typical Southern white man's view of the relations of the whites to the negroes. He then introduced President George T. Winston, of the North Carolina College of Agriculture and Mechanic Arts, who addressed the meeting on the same topic. During the course of his remarks President Winston pictured the conditions existing before the war and claimed that the social relations between whites and negroes at that time were far superior to those at present, and that of late the races had been drifting apart rather than coming together.

The third and last address at this session was given by Professor W. E. Burghardt DuBois, of Atlanta University, who analyzed with peculiar calmness and ability the "Relation of the Negroes to the Whites." By many present this address was regarded as the feature of the whole program. A paper by President Booker T. Washington, of Tuskegee, upon the same topic, was read by title, and will be printed in the proceedings.

A peculiar interest centered in the closing session, at which Senator Orville H. Platt, of Connecticut, chairman of the Senate Committee on Relations with Cuba, and author of the Platt amendment which was then under discussion in the Cuban Constitutional Convention—reports of which seemed to indicate that it had been rejected—ad-

ressed the Academy on "Our Relations to the People of Cuba and Porto Rico." Also at this session Mr. Charles M. Pepper, author and journalist, who has recently been appointed as one of the delegates of the United States government to the Pan-American Congress which will assemble in the city of Mexico in October, gave an address on "The Spanish Population of Cuba and Porto Rico." Both of these addresses were listened to by a large and attentive audience. At the conclusion of the meeting, on Saturday evening, the Manufacturers' Club gave a reception to the speakers at the annual meeting and other invited guests, among whom were many of the members of the Academy.

Verbatim reports of all the addresses and discussions will be collected in the volume of proceedings of the meeting, which will be published as the July number of the ANNALS and sent to members of the Academy. This will also be issued as a separate volume and may be ordered through the book trade, bound either in paper or in cloth : paper bound copies will be furnished at \$1, cloth bound copies at \$1.50. Orders may also be sent to the office of the Academy, Station B, Philadelphia. Members of the Academy can render good service by bringing this volume to the attention of their friends.

BOOK DEPARTMENT.

NOTES.

THE CHURCH AND POPULAR EDUCATION is the title of an interesting monograph (Johns Hopkins University Studies)¹ by Professor H. B. Adams. It is not intended to be exhaustive, but rather suggestive of the great possibilities of development in this now recognized part of church work. The Church and the School are the two great social institutions of the community and were each better acquainted with the function and work of the other more substantial progress could be made. One of the greatest needs of to-day is the more intelligent correlation of the social forces in the community, and this can be best inaugurated by church and school becoming intelligently appreciative of each other's work.²

THE PUBLISHERS CLAIM for "American Engineering Competition"³ that it is a book which "every business man should read." This advice can be repeated with even greater pertinency to every student of industrial conditions in the United States. The book consists of a compilation of sixteen letters descriptive of American methods in the iron and steel industry, written for the London *Times* by a special correspondent.

The ulterior object of the writer is to set forth the points of superiority in American industrial methods, and he has taken the best possible way to accomplish this end. He says little or nothing about English methods, with which he presumes that his English readers are reasonably familiar, but goes minutely and carefully into an elaborate description of American practice in the iron, steel and engineering trades. The general subjects treated: are the mining, transportation and smelting of ore; the manufacture of steel by the Bessemer and Open Hearth processes, and the manufacture of structural steel, engines, machine tools, malleable castings and implements. The early chapters give a very adequate popular description of the iron and steel industry down to the steel billet. This it is possible to do on account of the simplicity of the operations involved, without departing from the writer's purpose to set forth the essential points of

¹ Series XVIII, Nos. 8 and 9. Pp. 84.

² Contributed by Geo. H. Locke.

³ *American Engineering Competition*. Being a series of articles resulting from an investigation made by "The Times," London. Pp. viii, 139. Price, \$1.00. New York and London: Harper and Brothers, 1901.

American superiority. The author is particularly impressed by the large and increasing use of machinery in the United States and the decreasing importance of manual labor. It is this fact, together with the readiness of the American manufacturer to spend money for improvements and his open-mindedness to all new ideas that have especially impressed the correspondent. Chapter XIV contains a general discussion of American advantages in transportation in particular the superiority of our street-railway service, and Chapters XV and XVI present numerous illustrations of the hindrances to British trade which are presented by the attitude of English trade-unions, a comparison with American freedom from this disability being inferentially made.

MR. WILLIAM RAYMOND BAIRD'S two-volume work, "Principles of American Law," may be said to have an ancillary use.¹ Mr. Baird's effort is directed toward reaching the demands of those who have not the opportunities for law-school training. In fifty-two lectures he presents the principles underlying nearly every legal relation. The work is well adapted to the "home student." While a course of this kind would not have the depth of bearing of one given under personal instruction, by earnestness of application the student is often enabled to overcome this disadvantage. The Correspondence School has a deserving place in our educational system.

"THE INDUSTRIAL REVOLUTION,"² by Mr. C. Beard, with preface by Professor York Powell, of Oxford, gives to the laborer, in book of pocket size, information and ideas well worthy of his consideration. In fact it is a work full of suggestion to the mature student of history as well. The topics discussed are the following: England in 1760; The Mechanical Revolution and its Economic Effects; the Breaking up of the Old Order; Revolt against Laissez Faire and Beginning of Organization; The Industrial Problem from the Standpoint of Mechanics and Social Needs.

M. VICTOR BÉRARD'S vigorous and sincere books concerning Turkey and Greece have given him an unquestionable right to be heard on problems of international policy. His new work³ on the growth and economic causes of English "imperialism" will

¹ Pp. Vol. I, 475, Vol. II, 376. Price, \$3.00. Springfield, Mass.: Home Correspondence School, 1900.

² Pp. 105. Price, 40 cents. New York: Macmillan Company, 1901. (London: Swan Sonnenschein & Co.)

³ *L'Angleterre et l'Impérialisme*. By VICTOR BÉRARD. Pp. vi, 331. Price, 4*f*. Paris: Colin, 1900.

therefore be widely read. The causes which have transformed the England of Gladstone into the England of Joseph Chamberlain, and given rise to the predominance of a "Greater Britain" policy, are carefully investigated and traced in their development. Sir Charles Dilke's dream of thirty years ago has become the ambition of the nation; imperialism has its poets, its historians and its statesmen (Kipling, Seeley, Froude, Chamberlain).

In the final paragraph of his book M. Bérard in a rhetorical peroration, such as delights his countrymen, declares that "the England of 1830 has perhaps given all that England could give. Surveying the commercial, as well as the political, literary and artistic history of the last four or five centuries from an elevated point of view, it would seem that every human community, fashioned by the thousand outer and inner influences of race, temperament, environment and, above all, education, sooner or later produces a sum of qualities which, favored by circumstances and the state of foreign countries, blossom forth and give a leading position to Spain, or France, or England, or Germany. Later, when these circumstances change or disappear, this or that fundamental quality becomes a radical defect. Spanish absolutism, which extended its Catholic royalty over all the Peninsula, then to two-thirds of Christian Europe and to two-thirds of America, suddenly disappeared with the Armada, in the glow of inquisition fires and under the stultifying discipline of monks. French despotism takes its place. By the power of the Bourbon sceptre and Cartesian philosophy it extends its political, intellectual and commercial dominion throughout almost all Europe; and then suddenly succumbs, after the military conquest of Europe, in the prodigious rise of Napoleonic authority. English empiricism then succeeds to its position, and little by little transforms the United Kingdom and the two halves of the earth; everything bows before its triumph; the nations of the universe, dazzled by sixty years of a reign without reverses, glorify the invincible superiority of Anglo-Saxon strength. . . . Then a band, with bullets and stones, demolish this royal apotheosis. And from a new direction, humanity perceives the advent of a new grandeur. In a century of labor and of study, German rationalism has germed, grown and spread forth its branches, and at the end of each branch we now behold its fruits appearing. British supremacy may patch the rents in its imperial garment and for a moment still impress us. But humanity has lost confidence, and turns aside from this fallen glory. To the sound of cannons and of trumpets, in hymns and in toasts, the Germany of Kant, of Bismarck and of Wagner, rational Germany, powerful and creative, salutes the new century."¹

¹ Contributed by Dr. C. W. A. Veditz, Philadelphia.

"CHRISTIAN MARRIAGE,"¹ as the author says, "is in effect a new book with a changed name." It is concerned almost wholly with the ceremony of marriage. It is an exposition of the ritual of the Protestant Episcopal Church, or the "American Church," as he calls it, which is given in full together with the rituals of the English, the Roman Catholic, the Greek and Jewish churches. These take up more than half the book. Ten short chapters treat of the connection of the ceremony with religion; general characteristics and changes of the accepted form; analysis of the ceremony; the idea of publicity; of the symbols, or silent ceremony; of the audible stipulations and vows, and so on. A great deal of archeological and ecclesiastical lore is brought out, making a useful compendium on its specific subject.

The defects of the book are in the limitations which an ecclesiastical position of the strictest kind imposes upon the writer. While not forgetful of the threefold aspect of marriage as related to nature, the state and the church, the author does not appear able to see either the sociological or political aspects of the subject—at least, not in the way of one trained in either of these sciences. Take a marked example. Of Woolsey's "Divorce and Divorce Legislation" he says: "I read his pages with every favoring prejudice. The result was twofold. First I felt an inexpressible disgust for the loathsome stuff raked together from every cranny, etc. . . . Then came over me the indelible wonder what result beyond the gratification of a prurient curiosity—what real good . . . a Christian man could imagine would accrue to Christian people, in their hearts or lives, from reading that unholy history." Yet Dr. Bingham considers the right of the state alone, "if she will, to use that dreadful word"—Divorce. For broader, many will say juster, views readers will turn to the fresher chapters in recent books, by Professor Shailer Mathews on the "Social Teaching of Jesus," and Professor F. G. Peabody on "Jesus and the Social Question."²

THE NEW EDITION of Böhm-Bawerk's critical history of the theories of economic interest,³ undoubtedly the best book we have on the subject, is a somewhat changed and considerably enlarged volume. The changes are confined to a few improvements in the literary expression of the author's thought and the correction of a few

¹ *Christian Marriage: The Ceremony, History and Significance, etc.* By the Rev. J. FOOTE BINGHAM, D. D., Litt. D. Pp. 341. Price, \$2.00. New York: E. P. Dutton & Co.

² Contributed by Rev. Samuel W. Dike.

³ *Capital und Capitalzins. I Abth.: Geschichte und Kritik der Capitalzinstheorien.* By E. VON BÖHM-BAWERK. Second Edition. Pp. xxxv, 702. Price, 14 m. Innsbruck, Verlag der Wagnerschen Universitäts-Buchhandlung, 1900.

errors. The additions, however, have increased the size of the book by more than one third. In the first place, the account given of older authors is made more complete. The most important new feature of this sort concerns the Canadian, John Rae. On the other hand the first edition published in 1884, had to be brought up to date. The study of the interest problem has occupied so many writers during the past fifteen years that even a general survey of their work involved a serious increase in the size of the book. These newer doctrines are discussed in an appendix covering nearly a hundred pages, and treating at some length of Marshall's, Macvane's and Carver's "abstinence" theories, of Stolzmann's "labor" theory and of Dietzel's "exploitation" theory. Though the final volumes of Karl Marx's "Capital" were published since the appearance of Böhm-Bawerk's first edition, the discussion of the socialistic economist's complete doctrine is not given in the appendix, but in the body of the book under the head of "exploitation" theories. The corresponding chapter has therefore undergone a serious augmentation, especially the sub-section devoted to Böhm-Bawerk's criticism of Marx and his disciples.

In his preface, the eminent Austrian economist replies to the objections which General Francis Walker and Professor Alfred Marshall have made to his treatment of his predecessors. Though one of the ostensible points of difference between these two authors and Böhm-Bawerk lies in their opinion that his critique depended upon blunders of expression, and not upon a generous interpretation of the opinion of the writers discussed in his "History and Critique," the real, fundamental question, says Böhm-Bawerk, is this: Have Marshall and Walker, or has he (the author) the correct idea of the essential nature of the problem of interest and its true solution?

Beside the appendix the most important addition to the book is contained in the fifty pages treating of John Rae, concerning whom Mixter has asserted that he "anticipated Böhm-Bawerk's theory of interest, in the substance of its leading features and in many of its details, and even to a great extent in the exact form of its expression. He did more; he expanded that theory on some sides in which it was lacking, he avoided its greatest errors." It will be remembered that Böhm-Bawerk attaches fundamental importance, in the explanation of interest, to the influence of *time* upon our estimation of the value of goods,—the fact that postponed consumption involves a remuneration for postponement. In this point he acknowledges Rae's priority. But Böhm-Bawerk coördinates with this psychological moment facts concerning progress in the technique of production which give present goods a higher value than future goods because they permit

us to engage in more roundabout, longer, though technically more remunerative methods of production. It is in the development of this half of the theory that Böhm-Bawerk claims to differ from Rae; in this half of his doctrine, and in spite of many original details, Rae is a partisan of the old "productiveness" theory, like Thünen, whom indeed he closely resembles in the nature of his doctrine, in his trend of thought and in the striking independence of his reasoning uninfluenced by contemporaneous literature.¹

SIR JOHN BOURINOT'S works on Canada have long been standards not only in their literary style and attractiveness, but in the substantial qualities of accuracy and breadth of view which they possess. The latest contribution from his pen is "Canada Under British Rule."² After an introductory chapter on the French Régime, there follows a summary of the beginnings of British rule down to the passage of the Quebec Act in 1774 and the foundation of Nova Scotia. This is largely taken up with a discussion of the early relations between the French and English after the conquest. Interesting chapters on the American Revolution in its relations to Canada and on the early development of representative institutions bring the narrative down to the war of 1812, which is discussed in Chapter V. The periods of rebellion in Lower and Upper Canada are taken up in detail and a *résumé* of social and economic conditions in 1838 is given. The most interesting and valuable part of the book is that which deals with the union of the Upper and Lower Provinces and the establishment of responsible government after Lord Durham's celebrated report. The history of the repeated struggles for responsible government, the dullness and even stupidity of British governors and secretaries of state, show how costly is the present structure of English colonial government and how prone are the home authorities to ignore or misunderstand colonial conditions.

Two chapters are devoted to a separate treatment of the growth of federation. An excellent statement of the present social and political conditions of Canada is included. A separate chapter is also devoted to Canada's increasingly important relations with the United States. The appendices contain a highly interesting comparison between the federal constitutions of Canada and Australia, also valuable bibliographical notes. There are several maps.

The author displays throughout a clear understanding of the relative importance attaching to the conflicting forces in Canadian politics,

¹ Contributed by C. W. A. Veditz, Ph. D.

² Cambridge Historical Series. Pp. 346. Price, \$1.50. New York: The Macmillan Company, 1900.

and the only portions of the work which seem incomplete or faulty are those dealing with the economic development of Canada.

M. BOUTMY'S NEW BOOK,¹ the fruit of long familiarity with Englishmen and English affairs, is a timely contribution to the study of English political life. The author's method of investigation is extremely thorough and careful, and is first applied to the determination of the influence of physical environment on the character of the race; he finds the manifestations of this influence in many of the various tendencies of the people. After the physical environment comes the human environment, and the traces left by invading foreign races, as well as the importance of ethnical phenomena which take place within the country. Finally, after having considered successively the moral and social traits of the people, their political ideas, the book terminates with some ingenious observations upon the relation between the two great factors of English life—the individual and the state.

"In spite of the enormous changes of character which have taken place in a century," declares M. Boutmy, "the English people has remained, and always will remain, very individualistic; very little capable of sympathy and caring very little for that of others; very proud even in the humility of intense devoutness; very disdainful of other races and undisposed to mix with them; incapable of understanding the solidarity of the civilized world; apt to divide great questions—even to split them up—and indifferent to the idea of uniting them in the harmony of a vast synthesis; employing logic rather for a *posteriori* justification than to discover new horizons; more inclined to follow the metamorphoses of an illustrious statesman than to attach themselves to strict principles which would condemn him; free from all revolutionary spirit and nevertheless fertile in original personalities." ²

THE DICTIONARY OF AMERICAN POLITICS³ is a serviceable handbook, containing information which can be found elsewhere only in out-of-the-way places. In addition to the usual historical material relating to famous measures, national movements, foreign relations and the rise and fall of parties, there are given accounts of the origin and meaning of political slang expressions, familiar names of persons and localities, famous phrases and the like. As a rule, material relat-

¹ *Essai d'une Psychologie politique du peuple Anglais au XIX^{ème} siècle*. By M. ÉMILE BOUTMY. Pp. viii, 455. Price, 4 fr. Paris: Colin, 1901.

² Contributed by C. W. A. Veditz, Ph. D.

³ *Dictionary of American Politics*. By EVERET BROWN and ALBERT STRAUS. Pp. 596. Price, \$1.00. New York: A. L. Burt, 1900.

ing to the two last campaigns has not been included, the work not having been thoroughly revised since 1892.

PROFESSOR BULLOCK'S "Essays on the Monetary History of the United States,"¹ are three in number and of unequal length. The first which comprises about one-half the book is entitled "Three Centuries of Cheap Money in the United States," while the other essays treat of the paper currencies of North Carolina and New Hampshire. These last are excellent bits of historical research, and deal with colonies the vagaries of whose paper issues have not heretofore received the special attention of historians. Excellent as they are, with a remarkable fulness of footnotes, which betrays the exact methods of a conscientious scholar, they offer little which calls for notice here, since in the mass of historic detail it is not so much the facts as the spirit of their interpretation which arrests the attention of the general reader.

It is the thesis of the preface and of the first essay which calls for especial mention. Professor Bullock sketches our monetary history in the light of the demand for cheap money. From the first landing of the colonists in the western world to the present day this demand has always been present. Overpowered and restrained at times, or, perhaps, Professor Bullock would say outgrown in certain sections it has appeared in new forms and in new regions. The colonial issues, the continental paper money, the unregulated issues of the state banks, the greenbacks of the civil war, and the demand for the coinage of silver are the successive manifestations of the same spirit. These are rapidly sketched in Professor Bullock's essay. The explanation of this constant feature of our monetary history the author finds in the necessities of new and frontier communities where capital is scarce. As early as the colonial times it has been generally those regions where population was small and wealth scarce, which have pressed for these various forms of cheap money. With the progress of the century the focus of agitation has moved westward. With the growth of wealth and population it may reasonably be expected that this form of monetary heresy will gradually die out.

With this general thesis those who are familiar with the monetary history of the United States will fully agree and they must admire the skill with which it has been sustained. Should this preliminary sketch lead Professor Bullock to an extended treatment of the monetary history of the United States, the literature of economic history would be enriched, for the author has successfully correlated the

¹ *Essays on the Monetary History of the United States*. By CHARLES J. BULLOCK. Pp. 292. Price, \$1.25. New York: Macmillan, 1900.

general aspects of our economic development with the story of our monetary vicissitudes.¹

MR. HENRY CLEWS' "The Wall Street Point of View"² gives a rambling discussion of topics of financial and monetary interest. While there is little in it that is new, the fact that the author is a man of affairs gives to the work an interest that makes it well worth reading.

IN THE GUISE of a little volume of "Notes de Voyage"³ through Belgium, M. Édouard Deiss gives the reader a comprehensive, vivid idea of the industrial condition of that little kingdom. The most interesting parts of the book are those which give an account of co-operative societies—especially the "Vooruit,"—of profit-sharing, popular banks, labor colonies, and higher education in Belgium.

AN INTERESTING THOUGH unsystematic study of the influence of racial ideas and tendencies on modern political, economic, religious and æsthetic life, is begun in a recent book⁴ on the influence of the Celts in the modern European mixture of races. It is the first of a series of five volumes promised by the author, who accepts the principle laid down by Ernst Curtius, that every race is incapable of producing, unaided and alone, a higher civilization, and requires fructifying contact with other races. Aside, however, from the knotty problem of defining "race" satisfactorily, the task of unraveling race influences and race characteristics is so arduous that most work of this sort must be considered rather in the light of suggestion and hypothesis than as a positive contribution to anthropology or sociology.

BY FAR THE BEST general treatise on the "Law of Combinations," extant is that recently published by Callaghan & Co., of Chicago.⁵ Mr. Eddy, in two volumes, covers the field in both English and American law. Beginning with the law of monopoly, he carries the reader through the various phases of development, adhering to the historic

¹ Contributed by Roland P. Falkner.

² Pp. 290. Price, \$1.50. Boston: Silver, Burdett & Co., 1900.

³ *Études sociales et industrielles sur la Belgique. (Notes de Voyage.)* By ÉDOUARD DEISS. Pp. 328. Price 3 fr. 50. Paris: Guillaumin, 1900.

⁴ *Das Keltentum in der Europäischen Blutmischung. Eine Kulturgeschichte der Rasseninstinkte.* By HEINRICH DRIESMANS. Pp. 248. Price, 4 m. Leipzig: Dietrichs, 1900.

⁵ By ARTHUR J. EDDY, Esq. 2 vols. Pp. 1,539. Price, \$12.00.

order as far as compatible with topical treatment. The principal subjects discussed are: Monopolies; Efforts to Control the Market; Combinations and Conspiracies; Combinations of Labor; Illegal Combinations of Capital; Combinations in Restraint of Trade; The Federal Anti-Trust Law; and State Anti-Trust Laws. What the author suggests as a possible fault in method—that of giving laws and decisions “somewhat in detail”—adds materially to the value of a work on a subject which does not allow of a concise statement of settled principles.

LINCOLNIANA HAS had three notable additions. Mr. Daniel Fish, Secretary of the Public Library Board of Minneapolis, Minnesota, has recently brought out a 135-page bibliographical account of books and pamphlets relating to Abraham Lincoln, under the title “Lincoln Literature.”¹ This is the most complete and reliable compilation of the kind extant. It will be invaluable to librarians and special students. “Abraham Lincoln: his Book,”² is a facsimile reproduction of Mr. Lincoln’s pocket memorandum carried during the campaign of 1858. It claims for itself the novel distinction of being the only book which was the direct product of Mr. Lincoln’s pen. Aside from antiquarian interest, it serves to throw light on the character and methods of its illustrious author. In the “What is Worth While Series”³ appears Hon. Joseph H. Choate’s November address before the Edinburgh Philosophical Institution. Being asked to deliver the inaugural address as the official representative of America, he chose the character of Abraham Lincoln as the “most American of all Americans.” It is a strong portrayal of a strong man. It is an inspiring tribute both to Lincoln and to America.

THE AUTHOR OF “The History of Minnesota,”⁴ who modestly signs himself Judge Flandrau, has produced a form of historic information similar to that commonly found about the camp-fires of a G. A. R. Reunion. It is personal reminiscence, with a very strong emphasis thrown on the personal. It is the literary product of the hero worshiper, the hero being an old friend and acquaintance of the writer.

PROFESSOR FOLKMAR’S recent book⁵ is in the main an attempt to

¹ Price, \$3.25. Published by the Board, Minneapolis, 1900.

² Price, \$1.00. New York: McClure, Phillips & Co., 1901.

³ Pp. 38. Price, 35 cents. New York: T. Y. Crowell & Co., 1901.

⁴ By C. E. FLANDRAU. Pp. viii, 408. Price, \$1.75. St. Paul: E. W. Porter.

⁵ *Leçons d'Anthropologie Philosophique. Ses applications à la morale positive.* By DANIEL FOLKMAR. Pp. xiv, 336. Price, 7 fr. 50. Paris, (Schleicher frères Bibliothèque des Sciences Sociologiques), 1900.

base ethics, as a science of provision and of human conduct, on sociology. An outline of its contents is contained in the department of Theoretical Sociology, in the present number of the ANNALS.

HENRY GEORGE, JR., has edited another volume of his father's works, under the title "Our Land and Land Policy."¹ The volume takes its title from the first essay contained. This essay was written in 1871, while Mr. George was still a newspaper correspondent. It is the precursor of his many other writings on social and economic subjects. A list of the other essays contained in the book is as follows: The Study of Political Economy; The American Republic; The Crime of Poverty; Land and Taxation; "Thou Shalt Not Steal;" To Workmen; "Thy Kingdom Come;" Justice the Object—Taxation the Means; Causes of Business Depression; and Peace by Standing Army. To those interested either in the historic development of Mr. George's thought, or in his final statements, the collection will be welcomed.

THE OFFICIAL catalogue of the German exhibit at the Paris Exposition² gives an excellent, readable account of the remarkable, one might almost say startling industrial and commercial progress of the Empire during the past decade. This catalogue, in its preface and in the introductory sketches of each section, gives the latest and most authentic information concerning the development and the present state of the various German trades and industries; it is therefore a hand-book which will have permanent value.

THE INDUSTRIAL AND COMMERCIAL progress of the Empire has been accompanied by the growth of political ambition and a movement in favor of a stronger navy. A recent law providing for the formidable augmentation of the German navy, when it was presented to the Reichstag, served as a signal for the publication of numerous pamphlets and volumes, urging all sorts of arguments for the passage of the proposed law. Most of these propagandist publications are due to specialists in economics and history, and present the problem in every conceivable manner and from every point of view.

The first of these brochures,³ from the pen of Dr. A. von Wenckstern, develops the argument that although present commercial relations between Europe, America and China are minimal, each succeed-

¹ Pp. 345. Price, \$2.50. New York: Doubleday & McClure, 1901.

² *International Exposition, Paris, 1900. Official Catalogue. Exposition of the German Empire.* Pp. 424. Published by the IMPERIAL COMMISSION. Berlin: 1900. (Stargardt).

³ *A. von Wenckstern, 1 pro cent. Die Schaffung und Erhaltung einer deutschen Schlachtflotte.* Pp. 65. Price, 1 m. 40. Leipzig: Duncker und Humboldt, 1899.

ing year increases these relations, under the pressure of industrial growth. There will consequently be an increasing antagonism in the interests and ambitions of the great Powers. With each decade the relations of inter-dependence between nations increase in number and importance. Germany, too, by the increased importation of raw materials and food products, by the growing quantity of German capital invested abroad, by the extension of its foreign markets for manufactured wares, shares in these relations. No nation, however, can continue to occupy a commanding economic position unless it possesses the power, in case of need, to defend that position by the application of force. The very existence of Germany depends upon the maintenance of an open sea road; its growth of commerce must be accompanied by an equipment prepared to defend German commerce on the seas and German capital or labor employed in distant countries. Germany's present development requires a strong navy to guarantee its permanency and to maintain peace. From a financial point of view, Dr. von Wenckstern declares, no country is better able to support the new burden than Germany; it would be an easy matter to produce the 1,700 million marks necessary for the construction of a new offensive navy, besides the millions necessary for the maintenance of a total naval force of fifty-seven battle-ships, fifteen large cruisers and thirty-six small cruisers; an increase of one per cent in the imperial revenues would suffice.

Two other brochures^{1 2} develop the same line of thought, being made up of speeches delivered by the author in various parts of Germany. There is consequently a frequent repetition of the same arguments, buried under a thick coating of vain rhetoric and the fatuous display of linguistic and poetic accomplishments. Germany stands next to England in the annual value of its commercial transactions—exports and imports. The importation of raw materials is one of the essential conditions for the existence of two-thirds of German industries, of which eight alone possess 1,622,236 factories or workshops, employing 4,671,589 laborers; the families of these laborers form a population of 11,192,152, or 60 per cent of the industrial population of Germany, and more than one-fifth of the total imperial population. Germany is no longer an agricultural State, but is dependent upon other countries for its food-supply. The empire must become strong enough upon the seas to defend an international commerce upon which so much depends.

¹ *A. von Wenckstern, Heimatpolitik durch Weltpolitik. Redeu zur Flottenvorlage, 1900.* Pp. 130. Price, 2 m. Leipzig: Duncker und Humboldt, 1900.

² *A. von Wenckstern, Auf Scholle und Welle. Reden zur Flottenvorlage.* Pp. 81. Price, 1 m. 40. Leipzig: Duncker und Humboldt, 1900.

The two little volumes¹ of speeches and essays edited by three well-known Berlin professors of economics,—Schmoller, Sering and Wagner, are excellent both in style and contents. In the first speech, Prof. Schmoller discusses the probable future development of German commerce, industry and above all, population. He concludes that the development of these factors requires new markets and new openings abroad; and that a strong navy is an imperative corollary. An interesting survey of the intimate relation between the spread of commerce, on the one hand, and the breadth of the intellectual horizon of a people, on the other hand is contained in the second article, from the pen of Professor Lamprecht. The next section, a speech by Professor Richard Ehrenberg, traces the influence of ocean commerce on political ideas. Dr. Ernest Francke attempts to show that the laboring classes should be interested in the development of foreign trade. Dr. Paul Voigt, in an essay full of interesting statistical material discusses the industrial development of the German Empire, and points out that while a century ago two-thirds of the population was engaged in agriculture, now only one-third is employed in this branch of production. In the second volume, Sering, Wagner, von Halle, and Schumacher treat respectively of the commercial policy of the great nations, the financial aspect of the proposed law, the development of German local navigation, and Germany's interests in China.

THOUGH MANY excellent educational *ideas* have come from France, the fidelity² to routine and pedagogical conservatism found in the French primary and secondary schools is so deep-rooted and persistent, that so striking a novelty, as the "Orphélinat de Cempuis" practically seems to stand alone in the history of recent educational experiments in France. No wonder that its directors were subjected to fierce vituperation, and its methods to malicious ridicule. An explanation of the ideas underlying the school, and a careful account of its actual workings, are contained in a recent, well-documented volume,² by M. Gabriel Giroud. The book is well worth the attention of those interested in pedagogy and the sociological bearing of educational problems.

The Cempuis school was organized as a public institution in 1880, under the direction of M. Paul Robin, certainly one of the most emi-

¹ *Handels-und Machtpolitik*. Reden und Aufsätze von Schmoller, Sering, Wagner, etc. 2 Bde. Band i, pp. vi, 208. Price, 1 m. Band ii, pp. 246. Price, 1 m. 20. Stuttgart: Cotta, 1900.

² *Cempuis. Education intégrale. Coéducation des sexes*. Par GABRIEL GIROUD. Pp. xx, 395. Price, 10 fr. Paris, (Schleicher frères. Bibliothèque internationale des Sciences Sociologiques), 1900.

nent French pedagogues, although the radical nature and uncompromising expression of his views have made him many enemies. The central idea of M. Robin's system of "integral instruction" favors the development and equilibrium of all the faculties without exception. In the field of the intellect, this means the "simultaneous cultivation of the powers of assimilation and of production, of the scientific as well as the artistic faculties, of observation and judgment as well as memory, imagination and taste." "All the great branches of human knowledge which extend their ramifications in all directions, have at their origin and basis certain truths which are simple, primordial, fundamental and easily observable and intelligible even to young children; these must constitute the first lot of ideas possessed by the little pupil destined to increase his mental stock gradually."

The co-education of the sexes at Cempuis, a revolutionary idea in France, and one of M. Robin's pet notions, is discussed in the second chapter of the book; the next chapter deals with physical education, especially the elaborate system of bodily exercises admirably carried through by the school. A scheme for periodical bodily measurements, devised with the aid of M. Bertillon, the well-known Paris anthropometrist, has been introduced and might well inspire our educators with a spirit of imitation. Manual training of very much the same kind as is offered in some of our own schools, but much more diversified, is another essential feature of this noteworthy educational institution. Some of the methods of child-teaching invented by the Cempuis staff have found their way to American schools and kindergartens; others might be adopted with equal profit. Indeed, it is surprising that the teachers in the new school, many of them obliged to invent *de toutes pièces* the educational methods they employ, should have brought these methods so near perfection.

IN MR. WILLIAM GRIFFITHS' "History of Kansas City"¹ is found a kind of literary effort that should be encouraged. The work is an improvement on most of the undertakings of the kind. It seems unfortunate that municipal histories are not prepared with less of the enthusiasm of the local resident, and with a broader purpose of giving to the student or historian reliable data on which to build. The local writers could do a great service to the country by giving an accurate account of the political and social institutions and material progress of every city and town of considerable size.

GUNTON AND ROBBINS' "Outlines of Social Economics"² is a small

¹ Pp. 133. Price \$1.50. Kansas City: Hudson-Kimberly Company, 1900.

² By GEORGE GUNTON and HAYES ROBBINS. Price, 75 cents. New York: D. Appleton & Co. 1900.

volume of 215 pages, designed especially for study clubs. Its method is unique, giving, in conjunction with concise statements of theory, a bibliography and "extracts from readings" as appendices to each chapter. The theories presented are well considered and deserving of thought. In substance quite a departure is made from the old school, but the form and classification is largely retained. This is unfortunate, for a new view would be greatly strengthened by new categories and classification.

MR. HALES, an Australian war correspondent for the London *Daily News* has recently published selections from his "letters from the front," under the descriptive title "Campaign Pictures of the War in South Africa."¹ By reason of his use of sombre as well as bright colors in his pictures, the pro-British enthusiast has represented him as a man to be distrusted. It is refreshing to find a man in the field who attempts to portray things as they are, instead of devoting his talent to pleasing popular fancy. We are indebted to men of this type for much of our reliable information. The best protection that a nation has against "conduct which will cause its people to blush with shame" is the candid correspondent.

HARPERS HAVE PUBLISHED a history of the Philippine war, containing seventeen chapters and six appendices.² The work is dedicated "to all who have fought gallantly; to all who have written frankly; to all who now read without prejudice." The history begins with Magellan's voyage and recounts the early struggles of the natives with the Christianizing influences sent out by Spain. In the third chapter begins the story of the "final revolt against the Spaniard, which was transformed into a movement against the Americans." This movement is shown in chapter six to have been due to the "vain hope of independence" which led the insurgents to attack the American lines. Chapters seven to fifteen are devoted to military operations during the two years 1899-1900. The last two chapters present the political and social situation in the islands and discuss the local resources under the headings, agriculture, commerce and transportation, exports and imports, mineral resources, woods, etc.

The only new feature with reference to the material is its association with a pleasing style, a fine quality of paper and beautiful and profuse illustrations. If the editor is without prejudice and has full knowledge of events, he has presented convincing justification of the

¹ By A. G. HALES. Pp. 303. Price, \$1.50. New York: Cassell & Co., 1900.

² *Harpers' History of the War in the Philippines*. Edited by MARRION WILCOX, LL. B. Pp. 471. Price, \$10.00. New York: Harper & Brothers, 1900.

American policy of protecting the Filipinos against a designing minority of their own race. The book teems with citations of "repressive measures executed by our troops" as well as evidence that the "cruel crimes [of the *ladrones*] have put them where they will be hunted like wild beasts." The liberal use of documents, the chronological tables, the pictures of social life in the Philippines, the list of volunteer soldiers, the photographs of prominent officers, the party platforms and views of the Kansas City and Philadelphia conventions, all combine to give to the book genuine value.

DR ALEXANDER JOHNSON'S "History of the United States for Schools" since its first publication has undergone three revisions and now appears under the title of "High School History of the United States."¹ The second edition was revised by Professor Winthrop More Daniels, of Princeton. The present one has had the professional attention of Dr. William MacDonald, of Bowdoin. The work as originally published was in the nature of a departure from the various forms of fable which had passed as American History. The author has abandoned the old stories of Pocahontas, Putnam and the wolf, etc., as centres of interest and endeavored to call attention to the larger aspects of our national career with the purpose of inspiring the student with ideals of duty and responsible citizenship. The able re-editing which it has had gives to the publication the stamp of reliability. The criticism of a present-day writer would be that too little attention is given to the economic aspects of political and social life.

THE PUBLISHERS of "Le Mouvement Socialiste," a Paris socialistic semi-monthly review, have recently started a series known as the "Socialist Library,"² which is to include a new volume or number every month, each number to contain about one hundred pages. The collection will comprehend treatises on doctrinal matters, historical and biographical studies, and translations from the socialistic literature of other countries than France. All of these will furnish material for propaganda purposes. The first number is a handy brochure in favor of co-operative societies for consumption, describing the organization and workings of such societies and telling how they may contribute to the advancement of the socialist cause. The second volume of the series is a more ambitious affair; M. Emile Vandervelde, the Belgian

¹ Pp. 612, xvii. Price, \$1.25. New York: Henry Holt & Co., 1901.

² *Bibliothèque Socialiste*. No. 1: *Manuel du Coôpérateur socialiste*. Par M. LAUZEL. Pp. 100 Price, 50 centimes. Nos. 2-4: *Le Collectivisme et l'Evolution industrielle*. Par ÉMILE VANDERVELDE. Pp. 235 Price, 1 fr. 50. Paris, Société Nouvelle de Librairie et d'Édition, 1900.

labor leader, takes up the well-known thesis that economic progress is leading us surely and inevitably onward to industrial concentration and socialization (page 67). The threefold process of this socialization, according to the author, includes: the expropriation of trusts and industrial combinations, the penetration of the state into new fields of economic activity, and the growth of co-operative groups with or without state aid.

"LET THERE BE LIGHT"¹ is the motto of a small club of working-men who have come together to discuss the remedy for the admittedly adverse conditions under which they labor. Their president gradually leads them to the conclusion that neither political nor economic reform, democracy nor socialism can bring relief. He turns then to the only effectual remedy—religion. Assuming God, whose existence is "made manifest in all creation," he formulates a new religion based on the worship of this One God, to take the place of the present "polytheistic trinitarian idea of God." The book is interesting, not because it seems to offer a practical solution of social injustices, but because of its earnestness and high purpose, and because of its appeal to the workingmen for a religious reform as the only basis for true economic reform.²

THE FIFTH EDITION of Mahan's "Church History"³ will continue the usefulness of a text-book which for many years has been deservedly popular. Although warmly partisan on some subjects connected with the tenets of the Protestant Episcopal Church, it is in most respects scholarly and accurate. In its account of the attitude of the Roman Empire, however, it shows no acquaintance with the results of recent study. It is to be regretted that charity did not cause the erasure of certain slurs against heretics and pagans. But where a sectarian history is needed this is one of the best obtainable.⁴

THAT THE OLD style of "state" histories has passed away is evidenced by the appearance of another of the series of scholarly and exhaustive volumes on the history of South Carolina⁵ by Edward McCrady, a member of the Charleston (S. C.) bar. The two preceding works of Mr. McCrady carried the colony to the Revolution. The

¹ By DAVID LUBIN. Pp. 526. Price, \$1.50. New York: G. P. Putnam's Sons, 1900.

² Contributed by Mr. C. D. Scully, Philadelphia.

³ *A Church History of the First Seven Centuries*. By MILO MAHAN, D. D. Fifth Edition. Pp. xxxiv, 595. Price, \$2.00. New York: E. and J. B. Young & Co., 1900.

⁴ Contributed by Dana C. Munro, of the University of Pennsylvania.

⁵ *The History of South Carolina in the Revolution, 1775-80*. By EDWARD MCCRADY, LL. D. Pp. xxxiii, 899. Price, \$3.50. New York: Macmillan Company, 1901.

new volume, "South Carolina in the Revolution," (Macmillan), renews the story with the less understood beginnings of the civil revolution in that state. The spread of the contagion from the agitators to the people as a whole is clearly shown.

As is generally the case, Mr. McCrady takes "Revolution" to mean largely the war, and, therefore, after the year 1778, when the tide of war turned southward, the volume takes up in detail the various campaigns and battles. Those who enjoy military history will no doubt be delighted with the author's minute descriptions. Indeed, so carefully is this done that at the end of six hundred pages on the war itself the author is compelled for space to stop and announce another book as supplementary, although it is not so stated on the title-page. The recital closes with the end of the year 1780.

No undue laudation of his state and offensive comparisons with the other states mar the careful descriptions and calm statements of the author. As a military work it has not been equalled so far as South Carolina is concerned. Several plans of battles aid the descriptions.¹

THE GOVERNMENT OF MINNESOTA² is an excellent description of the organization and practical workings of the state. After a short historical introduction the author takes up the central government, local government, elections, courts, finances, school system, charities and militia. The book is written in an easy, entertaining style and is particularly suited for use in colleges and high schools. The historical material which it contains is well arranged, but the portion dealing with the central offices of administration is too much curtailed. It may be hoped that future volumes of the series will remedy this defect.

THE LARGE VOLUME³ which Alberto Morelli, Professor of Constitutional Law at the University of Padua, has written on the development and nature of the institution of royalty, is probably the most comprehensive, general treatise of this sort on the subject. The greater part of the book is devoted to a discussion of such matters as succession to the throne, regency, prerogatives, and ministers, and is essentially a continuation of the same author's study on "*La Funzione Legislativa*."

¹ Contributed by Edwin E. Sparks, University of Chicago.

² By FRANK L. McVEY, Ph. D. *Handbooks of American Government*. Edited by Lawrence B. Evans, Ph. D. Pp. 236. Price, 75c. New York: Macmillan Company, 1901.

³ *Il Re*. By ALBERTO MORELLI. Pp. 763. Price, 10 lire. Bologna: Zanichelli.

IN HOMER MORRIS' revised edition of Andrews' "Manual of the Constitution of the United States,"¹ the original design of the book has been observed. For fifty years previous to his death in 1888, Dr. Andrews was connected with Marietta College. He had been made president in 1855. In 1874, he published in condensed form what he found by experience in the class-room to be most useful in the study of civil government in the United States. He aimed at a clear exposition of the principles of the constitution with a summary of the laws in which they have been embodied. It is apparent that the inclusion of the more recent interpretations, enactments, and executive actions affecting political development cannot fail to increase the utility and popularity of such a standard text-book.

Chapter IV on the Constitution has been greatly enriched by new material relating to such important subjects as: The Gerrymander, Deadlocks, The Reed Rules, Income Tax, Revenue, Interstate Commerce, Arbitration of Labor Disputes, Trusts, Naturalization, State Insolvency Laws, Bankruptcy Act of 1898, Currency Legislation, Banks, Rural Free Delivery, The Philippine Insurrection, The Boxer Outbreak in China, The Acquisition of Territory by Treaty, and the Restrictions of the Suffrage.

The whole work has been brought up to date, numerous explanatory foot-notes have been added, obsolete paragraphs have been eliminated, the summaries of congressional legislation have been condensed, and the names of vice-presidents, cabinet officers, etc., listed in the appendix.²

THE WRITINGS OF the Franco-Russian sociologist, M. Jacques Novicow,³ are always interesting, often suggestive and sometimes important. But even the most ardent lover of universal peace will pause before reading over eight hundred closely printed pages in favor of a European federation; and the "deluded expansionist," for whom M. Novicow has so much contempt, will probably get no farther than the introduction. The author has expanded what might have been said in two hundred pages into more than four times that space.

The economic considerations, however, which he brings to bear upon the question, form a strong argument. Though the earth, M. Novicow declares, possesses resources sufficient to procure well being for all mankind, yet we foolishly employ a great part of our time in despoiling and massacring one another, instead of exploiting natural

¹ Pp. 432. Price, \$1.00. New York: American Book Company, 1901.

² Contributed by Claude L. Roth.

³ *La Fédération de l'Europe*. By J. NOVICOW. Pp. 807. Price, 3 fr. 50. Paris, Alcan, 1900.

resources. The present activity of man may be divided into **three** parts: One part is devoted to the production of wealth; the second is engaged in the preparation of formidable military equipments with a view to the spoliation of our neighbors; while a third part is devoted to protecting ourselves against spoliation by our neighbors. Misery will only cease when men have given up these last two activities and have devoted themselves solely to the first.

It is certainly no exaggeration to say that ten million men have been sacrificed in the European wars of the nineteenth century, to say nothing of the material waste of war. In 1865 the principal nations of Europe spent over \$500,000,000 for the maintenance of their armament. Now they expend more than \$1,060,000,000. In 1875 the standing armies of European nations included 2,660,000 men; now they include 3,120,000. In the same twenty-five years the war footing has risen from 7,900,000 to 19,700,000—more than the entire population of Spain. Since 1870 the debts of the European powers, chiefly due to wars, have risen from \$15,000,000,000 to \$24,000,000,000.

These facts and many others of a similar nature make of M. Novicow's book a veritable arsenal of anti-militaristic arguments, and if universal peace and disarmament can be brought any nearer realization by argument and eloquence, the author has made a great stride in that direction.¹

A SECOND EDITION of Mr. Owen's "Questions and Answers to Twenty-five of the Most Important Legal Subjects"² speaks well for the efficiency of this method of getting at underlying principles of law. "The Quizzer," when taken in connection with assigned readings or lectures, is a valuable help to a student. Mr. Owen has combined with the quiz method that of citation of the authority for his answer. His work covers such subjects as contracts, agency, bailments, negotiable instruments, principle and surety, partnership, personal property, wills, domestic relations, private corporations, etc., besides the more general branches of criminal law, equity, pleading and constitutional law.

THE AMERICAN ECONOMIC ASSOCIATION has shown its appreciation of the value of the study of early economic history by publishing an important study of the decay of villainage in England by Thomas Walker Page.³ Dr. Page has examined a large number of manuscript

¹ Contributed by C. W. A. Veditz, Ph. D.

² *Questions and Answers*. By WILBUR A. OWEN, LL. M., of the Toledo Bar. Pp. 612. Price, \$3.00. St. Paul: West Publishing Co.

³ *The End of Villainage in England*. By THOMAS WALKER PAGE. Pp. 99. Price, \$1.00. Published for the American Economic Association by the Macmillan Company, May, 1900.

records of the fourteenth century preserved in the British Museum and the Public Record Office, and has drawn from them most enlightening information as to the social changes in progress at that critical period. His most important results are the disproof that there was any reintroduction of labor services after the Black Death, as Rogers asserted, and his proof that on the other hand commutation was going on rapidly, that the position of the villain was improving, and that as a result of the money terms in which his tenure was expressed, the customary tenant became within the last half of the fourteenth century practically a free man and a copyhold tenant of his land.

"JESUS CHRIST AND THE SOCIAL QUESTION"¹ is a presentation of Christ as a social leader. The author recognizes that Christ was primarily a religious teacher and that his social doctrine is a by-product. But in these occasional remarks, these teachings by the way, are to be found certain definite principles which may be applied with profit to the varying social conditions of successive periods of time. The social principles of the teaching of Jesus are "The view from above, the approach from within, and the movement toward a spiritual end; wisdom, personality, idealism; a social horizon, a social power, a social aim." It is in the discussion of these principles and in their practical application to modern social problems that the author has performed his greatest service. Jesus in viewing human institutions from above obtained a perspective so conspicuously lacking in most discussions of the social question. The development of personality is the aim of his social teaching. "The chief difficulty with modern social life, as we shall repeatedly see, is not a mechanical difficulty, but a moral fault. . . . The chief social contribution of Jesus is the production of spiritual personality."

The family, private property, and the industrial order are then considered "under the form of concentric circles environing the individual life." Social mechanism, the solution of minor problems involved in the social question, receives but slight consideration. "The adjustment of economic conditions is, in each new age, a new problem of social mechanism, to be solved by new devices concerning which Jesus can have nothing to say; but the end for which these varying forms of social mechanism are devised is in all ages the same. It is the production of personality, the making of men."

It is a pleasure to note the clear optimistic ring of Professor Peabody's book. Its spirit is calm, conservative, and scientific. It is

¹ By FRANCIS GREENWOOD PEABODY. Pp. 374. Price \$1.50. New York: The Macmillan Company.

gladly welcomed to the rapidly accumulating mass of literature treating from different standpoints the social question.¹

"NATIONAL LIFE FROM THE STANDPOINT OF SCIENCE"² is a published address delivered at New Castle, England, before the Literary and Philosophical Society, by Professor Karl Pearson, of the University College, London. Its importance consists largely in the sociological view of inferior races entertained by the speaker. He argues that the influence of heredity is such as to prevent any successful attempt being made to elevate the lower races without materially affecting the development of the higher. In those new territories, such as South America, where the higher race has attempted to assimilate or elevate the lower, the net result has been a mixture which is little better than the lower race and much worse than the higher. In those territories, however, where the lower type has been crowded out or annihilated, the result has been most favorable to civilization as a whole, since the superior type of man is left free to develop his powers and resources. Examples of this are seen in North America and Australia. Professor Pearson admits that the process of elimination of inferior races leads to untold suffering, cruelty and even scandal, but he believes that the net result to civilization is much more satisfactory. His conclusions are obviously drawn from biological evolution.

IT IS A GLOOMY PICTURE of the condition of the French laboring classes which MM. Pelloutier give us in the pages of their recent book³—so gloomy, indeed, that even the most unsuspicious reader is led to believe that we have here not the impartial, dispassionate statement of a case, but the eloquent argument of the advocate for one of the parties. The volume, nevertheless, is full of facts, valuable facts concerning the hours of work, wages, female labor, child labor, the death rate in certain dangerous trades, the standard of life among laborers, drunkenness, and compulsory idleness. Far too frequently, however, for a book ostensibly describing the life of French laborers, the authors have dragged in all sorts of statistics and information (not always from first-class sources) concerning the state of affairs in other countries. The most interesting section of the book is the chapter on alcoholism, in which the authors maintain that drunkenness, which is

¹ Contributed by Walter A. Payne, University of Chicago.

² Pp. 62. Price, 80 cents. New York, Macmillan Company. London: Adam and Charles Black.

³ *La Vie Ouvrière en France*. By F. and M. PELLOUTIER. Pp. 344. Price, 5 fr. (Bibliothèque internationale des Sciences Sociologiques, Schleicher frères, éditeurs.) Paris: 1900.

spreading among French laborers, is a consequence and not a cause of their misery.¹

"THE PRIVATE LIFE OF KING EDWARD VII" has evidently been written in response to a widespread demand for information about the new sovereign. Its three hundred odd pages discuss the "Prince" in town, in the country, "as a student," "in society," "as a churchman," "on the course," and so on, in the tone of the society column. The book will probably interest any one who cares to know that His Majesty plays cards and "enjoys the pastime," but never pursues "this amusement to excess," or that shooting is his passion, or that when in India he wore a "khaki jacket and knickerbockers and a solar topee with a very wide brim, and a pugaree." As a purveyor of harmless court gossip, written, perhaps, to counteract gossip of the other sort, the book will probably be of great service.

"POLITICAL GROWTH IN THE NINETEENTH CENTURY"² is an attempt to summarize within the limits of a single volume the more important political changes throughout the world during the last hundred years. The author has tried not so much to trace general tendencies or international movements as to give a connected sketch of the political changes in each country. The work is divided into five books based in general upon racial conditions, as follows:

1. Continental Europe, including
 - (a) Latin Nations.
 - (b) Southeastern Europe and Russia.
 - (c) Teutonic Nations.
2. Great Britain and Her Colonies.
3. United States.
4. Spanish and Portuguese America.
5. Unclassified Countries.

An excellent and critical bibliography is appended.

In his introduction the author sketches the general progress of democracy throughout the world, while in the concluding chapter he attempts to give an answer to two questions: First, Have the weapons of democracy been wisely used? Second, Has democracy caused a cessation in the conflict of classes? In answer to the first question, the author concludes that, aside from certain necessary mistakes due to experimentation, the net result of democracy has been a decided

¹ Contributed by C. W. A. Veditz, Ph. D.

² *The Private Life of King Edward VII.* By a member of the Royal Household. Pp. x, 306. Price, \$1.50. New York: D. Appleton & Co., 1901.

³ By EDMUND H. SEARS, A. M. Pp. 616. Price, \$3.00. New York: Macmillan, 1900.

gain. The second question is, however, answered negatively. The conflict of classes is unceasing because of the existence of wealth, but the author believes that democracy places this conflict upon a higher plane and gives fairer chances to all concerned.

It would be unfair to judge the work by usual standards of criticism, because the task which Professor Sears has undertaken is an unusual one. There is an amazing amount of material gathered together within a comparatively short compass. The important has been carefully sifted from the unimportant; the temporary from the permanent. The book is interesting throughout, is written in an easy style and with a model arrangement of matter. The defects of the work are incident to its general scope. Political history without an economic and social background becomes mere narrative, and while the author has tried, with some success, to afford this background, notably in the cases of the United States, Australia and the British colonies, yet in the main he has been compelled, probably for lack of space, to omit the treatment of such facts. As a simple register of political phenomena, conveniently summarized and arranged, the work deserves the highest praise.

IT IS OF INTEREST to note that President Sharpless, of Haverford, in his "Two Centuries of Pennsylvania History,"¹ recently published by the Lippincott Company, has taken a decided step in advance in the writing of state histories. Too commonly they are confined to pioneer tales, the doings of public men, or events of a military nature. From the work in hand one may get a broad view of the life of the people, of movements in material progress, of economic and financial activity, as well as of political and social. The history of a people is more than an account of the dramatic poses of a few heroes or political leaders. Public men are only the by-product of social progress.

In marked contrast with this is Lowrie and McCardle's² "History of Mississippi," recently brought out by the New York and New Orleans University Publishing Company. The announced purpose of the authors is to give to the young "a knowledge of the past history of the state, brilliant with the illustrious names and heroic deeds of her gallant sons, which will make their hearts thrill with pride and patriotism." This is well enough for poetry and platitude from a political platform, for editorials and entertainment, but for a general history it is misleading. It blinds the vision and fixes the attention of the people on their leaders rather than on those interests

¹ By ISAAC SHARPLESS. Pp. 385. Price, \$1.25.

² By R. LOWRIE and W. H. MCCARDLE. Pp. 442. Price, \$1.00.

which must be understood by the common man as prerequisite to government based on general welfare.

A WELL-TOLED STORY of the Nicaragua Canal enterprise, and an excellent description of the country through which it must pass, comes from the pen of Mr. William E. Simmons.¹ The book is illustrated, and, without being too technical, is intended to give to the reader a bird's-eye view of the actual situation.

"THE STORY OF MONEY,"² by Edward C. Towne, gives us little or nothing that is new. It is a rehash of trite theory and argument. Its inspiration was in the fear that the currency issue might again be raised in the recent campaign. The author's contribution, in so far as he may be said to have contributed anything, is a labored argument to show that "bimetallism" does not mean equality of the two metals, but the use of both for monetary purposes; in other words, that it does not mean anything.

VOLUME I OF Dr. Thomas Alfred Walker's "History of the Law of Nations"³ is confined entirely to the pre-Grotian period. Such subjects as "The International System of the Israelites;" "The International Law of the Greeks;" "International Law in the Days of the Roman Empire;" "International Law in the Middle Ages" are not commonly regarded by authors as coming properly within the scope of a treatise on international law. As pointed out by the author in his preface, there have been but three attempts at writing, in the English language, a history of international law, and none of these has gone at length into the early period of development. Dr. Walker's first volume is thoroughly scientific. It traces the evolution of the leading principles through the formative period to the time of the treaty of Westphalia (1648), laying a solid foundation for the work which is to follow. It is scholarly throughout; it presents in convenient form the results of research which it would be impossible for the student less fortunately situated to obtain.

"BUSINESS LAW,"⁴ by Mr. Thomas Raeburn White, of the Law Department, University of Pennsylvania, is an elementary text-book for schools and colleges. In this Mr. White has taken up the prin-

¹ *Nicaragua Canal.* Pp. 330. Price, \$1.25. New York: Harper, 1900.

² Pp. 248. Price, \$1.25. New York: G. W. Dillingham Company, 1900.

³ Vol. I, pp. 361, 30. Price \$3.00. New York: Macmillan Company. Cambridge, England: University Press, 1900.

⁴ Pp. 353, xiv. Price, \$1.50. New York: Silver, Burdett & Co.

ciple underlying the contractual relations of business and has treated them with a conciseness and precision which commends the book to the constituency for which it was written. An introduction by Professor Roland P. Falkner sets forth the utility as well as the limitations of such a study in our colleges. If the author is to be criticised, the criticism will apply equally well to nearly all law writers, namely, that they are apt to be too slavish in following the remote past: for example, the use of the term "municipal law" to mean the law of a state, coming down from a time when the municipal law of Rome gave to the subject that character; whereas to-day our nomenclature has a distinctly local significance.

REVIEWS.

American History Told by Contemporaries. Volume iii. National Expansion, 1783-1845. Edited by ALBERT BUSHNELL HART. Pp. xx, 668. Price \$2.00. New York: The Macmillan Company, 1901.

The earlier volumes have become so well known as to make unnecessary any explanation of the plan and purpose of this indispensable series of "Sources." The preliminary matter has been condensed; the introductory notes and references are clear and pointed, but in some instances too great sacrifices have been made for the sake of brevity. In critical years like 1783 and 1790 the dates are sometimes not given with desirable explicitness. For example, the vast majority of those who use this book will not have access to the 1810 edition of Hamilton's Works, and will thus be quite unable to fit the reprint "Report on a National Bank" (No. 82) into its proper place in the bank controversy.

Perhaps "National Expansion" may serve as well as any other title to characterize the period to which this volume is devoted, although there may be some question as to the significance of the year chosen to mark its closing. These years throng with statesmen and issues of the first importance in American history, and it must indeed have been "a painful task to throw out much instructive and interesting material which had been selected." The one hundred and eighty-nine "pieces" vary in length from one to six pages; they are of the most diverse character and quality, and illustrate widely varying phases of American life and development. They are distributed among the following principal topics: The United States in 1783; The Confederation; The Federal Constitution; Federal Supremacy; Jeffersonian Supremacy; National Consciousness; Social and Political Readjustment; Slavery and Abolition.

No subject is presented with more satisfactory fullness of illustrative material than the formation and inauguration of the Constitution. These pages also give the data for a comprehensive and non-partisan understanding of the beginnings of the conflict over slavery.

Two minor topics will have their especial timeliness. The first of these is the group of excerpts relating to "National Expansion." Here is President Jefferson's statement of the importance which the possession of New Orleans would have for the future of the United States. There follows Lucien Bonaparte's spirited account of Napoleon's discussion with his two brothers in regard to the sale of Louisiana. Mr. Henry Adams has already made excellent use of this in his "Administrations of Jefferson and Madison." It is to be regretted that the translation especially prepared for this volume should be so wretchedly unidiomatic. To take a sentence almost at random,— "Joseph, splashed to the extent of the immersion of his clothes and his face, had received all over him the most copious injection," will hardly rank as classic English. Senators' objections to the annexation of Louisiana have a decidedly modern ring, while the petition of Louisiana inhabitants for representative government brings out clearly the early phases of the question whether the Constitution follows the flag. Of like timeliness is the group of papers relating to foreign policy, especially in connection with the early statements and interpretations of the Monroe Doctrine. (Nos. 142-150.)

It is a matter of course that each user of this book will regret particular omissions. It seems hardly fair, for example, that in a controversy at once so bitter and so abounding in precedents as that which arose over the charter of the first Bank of the United States, only the Federalist side should be presented, while Jefferson's vigorous counter-argument must be sought elsewhere. Again, it seems unfortunate that in the whole group of papers relating to "Federal Supremacy" there should be no hint of the influence of John Marshall and of the courts in establishing that supremacy. Of course this is no careless oversight; the editor is here consistently observing his self-imposed limitation in avoiding "constitutional documents, both because they are not self-explanatory, and because good collections of them now fortunately abound." But neither court reports nor even digests are in the hands of the majority of those to whom these volumes will render their chief service; it is therefore to be regretted that scope could not have been allowed for the presentation of so dominant an influence.

GEORGE H. HAYNES.

Worcester Polytechnic Institute.

The Peace Conference at the Hague, and Its Bearings on International Law and Policy. By FREDERICK W. HOLLS, D. C. L. Pp. 572.

Price, \$3.00 New York: The Macmillan Company, 1900.

Éméric Crucé. By THOMAS WILLING BALCH. Pp. 69. Philadelphia: Allen, Lane & Scott, 1900.

All who are interested in efforts to secure the peace of the world, must feel grateful to Mr. Holls for his work. He has given us what we must consider a trustworthy account of the Peace Conference at the Hague in 1899, with comment and interpretation of great value. In advance of the official record, the work is invaluable to readers of English, as it frees the subject from popular misapprehensions fostered by sensational newspapers. It shows clearly just what was attempted, and it gives one the right basis for forming an opinion as to what is likely to result from the deliberations of this august body, in which nearly all civilized nations were represented.

The book is a handsome octavo, the type large and clear and the external dress all that could be desired. The author treats of the calling of the Peace Conference and its opening on the birthday of the Czar of Russia May 18, 1899. Most appropriately it was held at the Hague, in the House in the Wood, which was built as a memorial tribute to the great irenic stadholder Frederick Henry. In his life and by his personal power this republican ruler did much to consolidate the United Netherlands, and to heal political and theological quarrels; to his country, he gave such a unity of mutual interests and benignant power that William Penn found in it a type of what he hoped to see in a universal family of nations.

Other chapters in Mr. Holls's work treat of the work of the first, second and third committees, each of which was charged with practical issues, and of the various discussions of principles and methods calculated to bring about peace. One descriptive chapter pictures the conference from day to day. In conclusion the author discusses the bearing of the conference upon international law and policy. The appendices covering over one hundred and fifty pages, give the text of the final act, the treaties and declarations adopted by the Peace Conference, and the general report of the American commission, with an account of the celebration in honor of Hugo Grotius at Delft, on July 4. On this occasion the American ambassador delivered the chief address, and in the name of the Government of the United States laid a silver wreath upon the grave of the great jurist. There is also a good index.

To certain classes of persons, the peace convention proved a profound disappointment. Even yet it is the butt of those who are impatient of slow processes and demand immediate results. Others,

especially those of extreme partisan views, looking at recent events in South Africa, the Philippines and China, declare the conference a total failure. Such persons cannot be very familiar either with history or with human nature. It is easy to read on the printed page of triumphs in the past and imagine that they were quickly produced. The magic of reading deceives us as to the slow process of growth. From such a conference as that of May, 1899, one need not expect much more than seed, certainly neither a consummate flower nor the rapid ripening of fruit. Nevertheless, when one sees an Asiatic nation like Japan cabling the entire text of the arbitration treaty to Tokio, and entering so heartily into the spirit, and so promptly acting upon the recommendation of the conference, he reads a happy augury for the future. Furthermore, to find such unanimity in the treaty on the laws and customs of war, mitigating its horrors for wounded and prisoners, is very cheering.

If Great Britain clings to the dum-dum bullets and China does not ratify the treaty on the laws and customs of war, it does not follow that progress in civilization has not been made. Even the United States did not for a whole generation, that is until the Spanish-American war of 1898, accept the recommendations of the Congress of Paris to abolish privateering. Judging from the past and seeing what fruits the peace literature produced by Éméric Crucé, Grotius, William Penn, Kant and others, and the previous peace congresses have borne, one must believe that vast good will yet come out of the deliberations of the Hague Congress and the acceptance of its principles by the nations.

Already the permanent court of arbitration, provided by the convention, has been organized and is now ready to consider any international dispute that may be presented. It is easily the highest tribunal in the world, with the most numerous and eminent bench of any court ever projected. Fifteen nations, embracing all the maritime powers, have appointed their members. In the Hague, "the house of all nations"—an old palatial mansion in outward form—represents the spirit of united Christendom. The administrative council consists of the ministers of foreign affairs in the Netherlands and the diplomatic representatives at the Hague of the ratifying powers.

Even though wars will go on, who can believe but that these will be less frequent, and be shorn of their savagery, as the years pass by? Certainly, unless the great nations were willing to engage in a costly farce they have by their action delegated the right of force to a secondary place as a rule of practice for the world. Coming as this conference did right after the United States had, in a new sense, become a world-power, it is interesting to see from Mr. Holls's account,

as well as the patent facts, that the United States found their new station fully recognized by all the great nations. No delegation exercised more influence than did that of the United States in the conference.

In one respect, this world's convention will have a direct influence in modifying our national constitution. Unless we are much mistaken the future will show, even if Mr. Holls's narrative does not, that our acceptance of a place in the Tribunal of International Arbitration has tended powerfully to increase the power of the President of the United States. While in our other treaties and conventions with foreign nations, the United States of America have been named as the contracting party, the Hague Convention nominates our chief executive only. Hence we find President McKinley, in accordance with Article XXIII of the convention, appointing without consultation or consent of the Senate, the four persons (one already deceased) who are to act in the international court. These appointees to a world-court are not officers of the United States, but are supposed to be impartial judges. Should our country invoke the action of this court, the President of the United States would in all probability settle the terms of the subject to be brought before the court and the extent of jurisdiction conferred. Again, he must stand in place of the United States for the fulfilment of the award.

Mr. Holls has not stated this as his opinion. In fact in another place he expresses a view rather to the contrary. His book does not, so far as we have seen, touch upon the subjects of the President's powers or his limitations in this matter. The future has yet to show whether in such a world-court the President will lead or follow American public opinion. It seems very certain, however, that the President has always been the real director of our foreign policy. It seems also certain that the United States is better fitted than most republics to play the part of a great power in questions of world diplomacy. Technically dangerous as this new world-court may seem, in its bearings upon American freedom, we doubt not that the character of the American people will, for the most part at least, place our country on the right side in questions of war or peace, and that our constitution will receive no serious shock because of this new means of securing peace for the world.

In connection with the Hague Conference, attention should be called to a very valuable pamphlet on *Éméric Crucé*, by Thomas Willing Balch, in which this Philadelphia author names Crucé, a French scholar, as the originator of modern international arbitration. In his little book, "*Le Nouveau Cynée*," Paris, 1623, copious extracts from the single known extant copy of which, in the Bib-

liothèque Nationale, are published in Mr. Balch's pamphlet, it is shown that nations might unite for arbitration. The Frenchman was ahead of the Dutch writer Grotius by two years, for the latter did not publish his work until 1625. The court of arbitration which Crucé suggested was to be permanent. Certainly, in connection with this record of the Peace Conference at the Hague, the name of Crucé should be held in high honor.

If to-day earnest men feel discouraged at the slow advance of peace, let them remember that Crucé's work quickly fell into oblivion, and that even Grotius's book was in the main unheeded at first, while at Rome it was put on the index of books prohibited to be read by Christians. Indeed, Hugo de Groot had been three years in his tomb before even the treaty of Munster which ended the thirty years' war was signed. Mr. Holls's book cheers those who look for "the steady gain of man."

WILLIAM ELLIOT GRIFFIS.

Ithaca, N. Y.

A History of Colonization, from the Earliest Times to the Present Day. By HENRY C. MORRIS. 2 vols. Pp. xxiv, 459; xiii, 383. Price \$4.00. New York: The Macmillan Company, 1900.

It is perhaps unfortunate that most of our American works on colonial subjects have been prepared in the rush and hurry incident to the abruptness with which we have acquired colonial possessions. Various writers have pointed out that the immediate occasion of England's sudden rise as a colonial power is to be found in her wars with Spain and France. Similarly, the United States has acquired colonial territory with a suddenness not entirely justified by the extent or direction of her trade expansion, and this fact will excuse many of the shortcomings in our literature on colonies. The task which Mr. Morris set for himself was a difficult one. As is stated in the preface, he has accepted the results already obtained by other writers in the field. Much of the matter presented is therefore a summary of other works. The book begins with a preliminary chapter on "General Principles of Colonization." This chapter is one of the best parts of the work. It is to be regretted that, with the exception of the parts dealing with Great Britain, the high standard could not be maintained. The author announces a general outline to be followed throughout the book, including the following points:

"Causes of Colonial Origin,"

"Objects of Colonization,"

"Requisite Conditions in Parent State and Colony,"

"Methods of Colonization,"

"Systems of Government applied to the Colony,"

"Period and Course of Development of Colonial Life,"

"Cost of Colonization to Mother Country,"

"Advantages Derived and Disadvantages Accruing from a Colonial Policy,"

"Causes Leading to the Severance of Colonial Ties and the Establishment of Independent States,"

"Relations Existing Between the Former Parent State and the Liberated Colony after the Latter's Freedom has been Attained."

To render any system of colonization successful, the author declares that certain well-defined conditions must exist in the land to be colonized and in the parent state. "The region to be brought under control must . . . be without a recognized method of rule or with an administration very imperfectly constituted; its society must be more or less crude and uncultured, while its people must as a race be untrained in the higher type of civilization and inexperienced in manufactures, commerce and statecraft. Just as soon as the colonists approach a degree of culture similar to that of the mother country, the association between the two becomes irksome and difficult to sustain, unless, indeed, the latter practically renounces all participation and intervention in colonial affairs."

On the part of the mother country the following requisites are indispensable: The colonizing nation must be strong and highly developed socially, that is, it must be possessed of great wealth and density of population. There must be excessive competition, a surplus of labor, a certain degree of discontent in order to produce the necessary materials for colonization. Furthermore, a race without the naval and military spirit is ill fitted for colonization. In short, the mother country and the colony must be economic complements of each other. The main discussion of the subject is divided into three periods. The earliest attempts at colonization, including the Egyptian, Chaldean, Persian, Phœnician, Carthaginian, Greek and Roman systems, are first considered.

These chapters form Part I, under the heading, "Antiquity." The author then takes up, in Part II, "The Middle Ages," including the establishing of trading posts along the Mediterranean, Amalfi, Pisa, Genoa, Florence and Venice. Part III contains a discussion of colonization in modern times beginning with the Portuguese, and including the Spanish, Dutch, French, English and minor systems of colonization. The English system occupies the entire second volume with the exception of two chapters. Under "Minor Colonization" the author includes the Scandinavian, German, Modern Italian, Belgian, Austro-Hungarian, Turkish and Chinese colonies. A good bibliog-

raphy is added, although this might perhaps have been dispensed with in view of the book list which has been issued by the Library of Congress.

The work contains an enormous amount of material, which has been well digested and arranged. By far the best portion is the second volume dealing with English colonization. The author has made a consistent, though not always successful, attempt to follow his outline. In many places he has necessarily given a history of migration, and from the vagueness of the term colony, the book has suffered somewhat in clearness. The question also arises whether the student who wishes to secure information on colonial subjects might not do so to greater advantage from works on individual colonies. The arrangement of material, however, is so systematic and convenient that the work will be desirable for general reference purposes.

JAMES T. YOUNG.

University of Pennsylvania.

Law and Policy of Annexation. By CARMAN F. RANDOLPH. Pp. 226. Price, \$3.00. New York: Longmans, Green & Co., 1901.

"The annexation of the Philippines is the immediate reason for this book, which, in dealing with the event itself, advocates withdrawal of our sovereignty from the islands, and suggests a method for its accomplishment." This well expresses, in the author's language, the apparent purpose of the work. It presents a discussion of our title to the Philippines, the application of the Constitution to the islands and the mode of government, together with a consideration of the best way by which we may withdraw from the present predicament. The author advocates the establishment of a protectorate over the islands. A brief chapter on the status of Cuba and the text of important documents with reference to the acquisitions are added. Of course the treatment is not strictly confined to the Philippines, but reference is constantly made also to Puerto Rico.

The writer has selected a field of unusual interest at this time, but has given a comparatively brief *résumé* of an extensive subject, rather than a close and thorough investigation. Especially is this true in reference to a most important branch of the subject, the question of the application of the Constitution to our new possessions. The author holds to the view that the Constitution applies directly to the islands, and that its guaranties to life, liberty and property are there in force *ex proprio vigore*. He examines in brief the arguments against this view, but the treatment is popular rather than legal, and his apparent partisanship detracts somewhat from the force of his position.

The distinction is here, as elsewhere, not clearly enough drawn between two very different questions, viz., whether the Constitution contemplates the holding of subject territory; and second, whether it contemplates the governing of this territory without restriction, or intends that the constitutional restrictions upon the legislation of Congress should be equally applicable to legislation for the states and for other territory belonging to the United States. The application of the Constitution seems to be treated as a single question, and it is apparently taken for granted that it is inconsistent to assert that the power to govern subject territory is derived from the Constitution, and that the limitations of the amendments are inapplicable; positions that are perfectly consistent and reconcilable.

The brief examination of the practicability of the application of the various provisions of the Constitution, and of the lack of necessity for departing from its guaranties, is one of the most convincing parts of the book and is, apart from moral and ethical considerations, a strong answer to those who support the opportunist policy of denying the application of constitutional limitations.

The book will no doubt command the attention of a large number of thoughtful persons who dissent from the present tendency of imperialism in expansion. Being popular in style the work will appeal more to the man of general education than to the lawyer or publicist.

HENRY WOLF BIKLÉ.

Philadelphia.

Factory People and Their Employers. By E. L. SHUEY, M. A.
Pp. 224. Price, 75 cents. New York: Lenthion & Co., 1901.

In contrast with the numerous histories of strikes and other labor troubles which are constantly appearing is this very interesting little book, the aim of which is to give a brief account of the efforts that are being made by a great many factory owners to share profits by giving "personal advantages." As the introduction of the book states, it deals not with motives, but with facts. These facts are very barely stated, leaving many points which the reader would like to have more fully elaborated. Mention is made of efforts of some sort or other which have been made in about ninety large concerns in all parts of the country. The author shows that in the case of the factories under discussion, at least—and he sees no reason why the rule should not be a general one—improvements in working conditions, provisions for the personal comfort of employees, and for mental and physical training, have resulted in a better feeling of workers to employers, and in many cases in material increase of production. Particular stress is laid on the provision made in these factories for women workers, show-

ing the possibility of making conditions such that, even in this work, they may retain the charm of their womanhood.

After treating the question from the point of view of the employer the author gives some examples of the measures which workmen, stimulated by the employers' efforts, have undertaken in their own behalf. These take the form of clubs, literary and musical societies, co-operative buying, building and loan associations, all conducted with great success. In recapitulation he shows that results have been most valuable to employer, employee and public; giving to the first an increase of production, to the second fuller and happier lives, and to the community at large better work and better citizens. To corroborate his statements concerning the advantage to every one of such humanitarian efforts, Mr. Shuey gives extracts from letters from the heads of such prominent companies as the National Cash Register Company, the H. J. Heintz Company, and the Cleveland Hardware Company. The last of these writes: "The money will come back in the shape of increased output and better work." Letters from labor organizations testify to their great appreciation of the efforts.

The book is well illustrated with photographs of factory club-houses, "rest-rooms," dining-rooms, prize gardens, etc., which furnish a better idea than words could of the lines along which the factories discussed are working. While not so complete as might be desired, the book will be found of great value because it is the only place one can go for a general *résumé* of this phase of factory study.

Philadelphia,

C. D. SCULLY.

The Expansion of the American People, Social and Territorial. By EDWIN ERLE SPARKS. Pp. 450. Price, \$2.00. Chicago: Scott, Foresman & Co., 1900.

The intention of this book, as expressed by the preface, has been "to collect the local history of the American people into one volume." In this task the author has attempted altogether too much for a small volume, but within the limits of possibility he has done his work well. He begins with the preparation of Europe for expansion in the fifteenth century, devotes one chapter to the efforts of Spain to establish herself in the western hemisphere, then takes up the development of the English colonies and later treats of the growth of the American nation. Thirty-three pages are devoted to the English colonies, including a study of their social and economic life and the struggle between the French and English for the Mississippi valley. The expansion of the United States is next considered in the following order: Kentucky and Tennessee, the Northwest territory, the Southern and Southwestern acquisitions of the United States, the relation

of improvements in transportation to the development of the West and South, the acquisition of Oregon, Texas and California, the struggle for Kansas and Nebraska, and the expansion of the colonial system. Subordinate to these principal topics are chapters devoted to pioneer life on the frontier, the intellectual development of the people, American utopias and reformers, and the increase of American well-being. The chapters devoted to the three topics last mentioned, as well as those devoted to the colonial system, leave much to be desired, are not essential to the main theme, and might well have been omitted. It may also be fairly urged in criticism that the book lacks a certain coherence of development and closeness of connection which the reader would welcome in such a discussion. In his attempt to give a vivid picture of the social and economic life of the American people, the author has too often lost sight of the necessity for historical sequence. When this is said, however,—and the reviewer has no disposition to urge it as a serious defect,—the book is deserving of high praise for its accurate portrayal of scenes and incidents to which the American reader of history is too seldom introduced. The following quotation is a fair illustration of the excellence of the author's work. It describes the early settlers in the Ohio valley (pp. 137, 138):

"These seekers for fortune in a new land were of varying degrees of prosperity. The thrifty New Englander was present with his compactly arranged effects, his clean and neatly clad family and a certain stern austerity showing in every action. . . . From the uplands of Pennsylvania or Virginia had come a family of Irish who were careless of manners, the children half clad, and the most prominent and disturbing bit of furniture a jug of home-distilled whisky. There was also the gaunt 'poor white' of Virginia or the Carolinas, with good blood in his veins, yet the victim of centuries of competition with slave labor. He had now ventured with his numerous household to a new home in the 'gub'ment' lands. He commonly had long, black hair, swore loudly, chewed tobacco and smoked, whilst his shrill-voiced help-meet confined herself to her pipe. Mingling with the crowd was the Yankee peddler, with his nasal voice and his eye keen for the chance of a gain. His tinware, Dutch ovens and wooden clocks were urged upon the immigrants as absolute necessities in the land to which they were bound. The 'speculator,' marked by his shrewd eye and prosperous dress, grew eloquent in his descriptions of the richness of the lands he offered for a song. . . . There was no limit of age to these birds of passage. Travelers have described overtaking old couples of sixty years bound into the West solely on this excuse: 'Well, our children were all grown up and married, and we had no ties, so we just packed up and followed the crowd.'"

The book abounds in similar sketches, many of them told in the language of contemporaries and giving, at a glance, a clear-cut idea of the social life of different periods. A praiseworthy innovation is the use of copious illustrations from contemporary and modern sources, which, in connection with the numerous maps and diagrams, supplement the text in a very satisfactory way. The author has considerably refrained from scientifically punishing his readers by an overuse of footnotes, although even his moderation can be accounted excess. "The Expansion of the American People" is a book which is unique of its kind and which sets a high standard for those who come after.

EDWARD SHERWOOD MEADE.

University of Pennsylvania.

Studien zur Geschichte der Englischen Lohnarbeiter. By GUSTAF F. STEFFEN. Erster Band, erster Teil. Pp. 176. Price, 4 mk. Stuttgart: Hobbing und Büchle, 1900.

Die Wohnungsinspektion und ihre Ausgestaltung durch das Reich. By HANS FREIHERRN VON DER GOITZ. Pp. xii, 104. Price, 1.5 mk. Göttingen: Vandenhoeck und Ruprecht, 1900.

The economic history of England has been a favorite subject of investigation, almost as much so on the part of Continental writers as Englishmen themselves. The latest contribution to this subject is a two-volume work by a Swedish writer, G. F. Steffen, of which the book under review forms one-third of the first volume. A ten-years' residence in England, during which period he published three popularly written books on English conditions, constitutes the basis of the author's claim for a hearing. In the preparation of the present volume he has made liberal use of such works as Rogers, Tooke, Cunningham, Ashley and Maine, as well as the parliamentary blue-books. Mr. Steffen pays most attention to the changes which have taken place in the standard of life of the English laborers, and promises to show how these are connected with the legal and social status of the workers. More than half of the present volume is, however, devoted to a theoretical discussion of method and definition of terms. The historical part takes the reader—if he gets that far—to about the middle of the fourteenth century, and is devoted to a description of industrial conditions under feudalism. While written with the painstaking industry of a German, it is unfortunately characterized also by tiresome prolixity and a minute discussion of details that might well have been relegated to footnotes or omitted altogether. Of the present section of the work the best part is that dealing with wages

and prices, and the discussion of the purchasing power of labor during the fourteenth century. Perhaps the future portions of the work may prove more interesting, but, compared with such a work as Held's unfinished contribution to English economic and industrial history, the advance volume of Mr. Steffen's book would hardly induce perusal of the remainder.

In May, 1898, there was organized in Frankfurt a. M. a "Union for Imperial Housing Legislation," with the purpose of bettering the housing conditions of the laboring classes by means of legislation, imperial if possible. During the year following its organization the members published a program and a number of brochures, armed with which they appeared at the eleventh evangelical-social congress at Carlsruhe. Here they were urged to prepare detailed and accurate information as to the conditions and needs, and accordingly undertook the publication of a series of nine monographs on various phases of the housing problem. Of this series the first number is that on "Housing Inspection." The author, a member of the city council of Strassburg, advocates compulsory inspection under imperial law as the best solution of the problem. At present mandatory inspection exists only in Hesse and Hamburg. In Baden, Prussia, Württemberg and Saxony satisfactory laws have been enacted, but as their execution is entirely permissive they are but little enforced. Special dwelling-house inspectors are to be found only in Hamburg. Granted that further legislation compelling inspection is desirable, it can be had only in one of three ways: by imperial law, by state statute or by municipal ordinance. Of these the author does not mention the last possibility. The second he rejects as insufficient, in spite of the fact that thirty-two out of forty-three cities which answered his request for their views on this point favored state rather than imperial legislation. He then justifies at some length his position in favor of an imperial law, and sketches the main points which would have to be covered. In an appendix is given the draft of a proposed imperial bill, together with extracts from a number of existing state laws on building inspection.

The monograph, though brief and narrow in scope, is good. The author does not claim that he has indicated the final solution of the problem. His is rather the negative remedy. In addition to legislation there is needed the positive relief which can be afforded only by the construction of a sufficient number of improved houses. These are conclusions which can be applied to the United States as well as to Germany.

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Le Catholicisme Social. By MAX TURMAN. Pp. 334. Price, 6 fr. Paris: Felix Alcan, 1901.

The book of Professor Turman describes the origin, growth and partial success of an important movement inaugurated in Germany by the Catholic Bishop, Baron von Ketteler, and sanctioned as to its main features by Leo XIII. in his encyclical *on the condition of workmen* (May 15, 1891). The movement did not remain confined to one country, it spread in all directions until it has become truly international. In England, the organization was under the guidance of Messrs. Hughes, Charles Kingsley and Dennison Maurice. These gentlemen were commonly called Christian Socialists. In Germany an organization was begun by Drs. Todd and Stöcker: the members were called Evangelical Socialists, but their efforts were not very successful, owing probably to the fact that their aims as well as their principles were not sufficiently definite. Those who followed the leadership of Bishop von Ketteler, by forming an alliance with the centre party, gained a considerable influence, and obtained legislation which was very favorable to the workingmen. In France, the organization was thoroughly and frankly Roman Catholic, but this decided attitude did not prevent its members from combining with men of other denominations, or even with infidels, when the common purpose was to obtain legislation which promoted the good of workmen without conflicting with justice or with religion. In the congress of Zurich (August, 1897), ninety-eight Catholic delegates sat side by side with one hundred and sixty-five socialists. But it would be a great error to consider the *Catholicisme Social* as a sort of mild socialism. The members of that organization are not Agrarian socialists, for they hold that the exclusive ownership of parcels of land, either in commonalty or in severalty is perfectly legitimate, and they say emphatically that the state must protect the landowners just as strongly as the owners of any other kind of property. Moreover they advise, when practicable, and when it can be done without interfering with vested rights, the division of land into small lots or holdings to be distributed among workmen and become family homesteads, which should be entailed if possible, and remain free from legal seizure, so that the family should always have a home. The permanence of the family relations is one of the chief purposes which they keep in view. They are not socialists of the school of Karl Marx or Lassalle, for they tell the workmen very plainly not only that labor has its rights and workmen must not be treated as machines, and that their labor is not a mere commodity, but also that capital has its rights which must be respected.

However, they would make the laws against usury more stringent, check speculation, and prohibit the exchange of commodities which

have merely a speculative value. With the so-called professional socialists they have this in common: they believe that the functions of the state are not merely negative, and that *laissez faire* is not the last word of political economy. They strongly advocate co-operation, profit sharing, conciliation and arbitration. They think that their plans, in order to be successful, need international action, and a vigorous campaign of education carried on in every civilized country, simultaneously if possible. Whether their plans shall ultimately succeed is the secret of the future, but that their ideals are noble and that their plans deserve the attention of social philosophers and political economists will be readily admitted by all those who read with attention the work of Professor Turman. Should it be translated, a careful analytical index and alphabetical index should be added on account of the multitude and diversity of the documents which are quoted, many of which are not easily found elsewhere.

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NOTES.

I. MUNICIPAL GOVERNMENT.

AMERICAN CITIES.

City Government in Arkansas.¹—Municipal corporations in Arkansas are divided into cities of the first and second classes, and incorporated towns. Cities of the first class are required to have, according to the federal census or a state census, a population in excess of 5,000. Cities of the second class have a population lying between 2,500 and 5,000. On satisfactory evidence with reference to the possession of the required population a board composed of the Governor, Attorney-General, and Secretary of State may raise an incorporated town to the rank of a city of the second class, and a city of the second class to the rank of a city of the first class. The constitution gives the legislature power to pass laws restricting the power of taxation, assessment, borrowing money, and contracting debts, in the case of cities, with a view to preventing the abuse of these powers. Under this provision they are prohibited from levying a tax exceeding in any one year five mills on the dollar on the assessed valuation; cities are, however, permitted to levy an additional five mills when this is necessary to pay off indebtedness existing before the constitution of 1874 was adopted. The chief difference between a city of the second class and a city of the first class, as regards governmental organization, is that the latter distinguishes three departments of government, while the former gives executive power and judicial power to the mayor. All contracts and purchases on behalf of the city are, in the case of cities of the first class, made by a Board of Public Affairs. This is composed of the mayor and two citizens chosen by the council. This board has no power to bind the city to any obligation in excess of \$50.00 unless the consent of the council has first been obtained. The ultimate control over the charters of the cities is in the hands of the legislature, which may amend the charter of the city, enlarge or diminish its powers, extend or limit its boundaries, divide the same or abolish it altogether without the consent of the inhabitants of the territory. (*Eagle v. Beard*, 33 Ark. 497.)

Cities are empowered to provide for waterworks, street railways, and lighting facilities. In this connection franchises may be granted to private companies. Provision is also made for city ownership. When it is decided to create such utilities under city management, a

¹ Contributed by Professor Simon J. McLean, University of Arkansas.

board of three commissioners known as the Improvement District Board is created by the city council. This board has general control. It may borrow money in anticipation of the sums to be raised by taxation for the completion of these works; and money may also be borrowed on the security of the plants themselves. By a law of 1893 it is provided that when waterworks, gasworks, or electric-light works have been completed by such a board, then the city shall have full power to operate and maintain them. In the policy pursued by the cities toward these utilities so far private ownership has been favored. Franchises, varying from ten years in the case of an electric-light plant to fifty years in the case of a street railway, have been granted, the city receiving no bonus for the franchise and no right to participate in the profits. In a number of cases the waterworks have been operated by the cities, and quite successfully. The city of Little Rock has for a number of years had a very efficient electric-light plant under city ownership. At present the question of city ownership of street railways is attracting attention. It is an issue in the pending election in Little Rock. A bill has been introduced in the legislature empowering cities to own and operate street railways. There is a growing feeling in favor of municipal ownership. A recent letter from the mayor of one of the smaller cities, dealing with this matter, contained the statement "We want to own the whole thing."

New York.—The past four months have seen many interesting changes affecting local government and public affairs in the city of New York. Investigating committees, reform movements, legislation and decisions of the courts have combined to make a bewildering complication of events.

Investigating Committees. Late in 1900 two investigating committees came into existence, as the result of disclosures of intolerably vicious conditions in various parts of the city, particularly in the thickly populated lower part of the east side of the Borough of Manhattan. One of these committees, consisting of fifteen members, was appointed under resolution of a meeting of citizens held in the rooms of the Chamber of Commerce. The committee organized in December, with Mr. William H. Baldwin, Jr., as chairman. The other committee was appointed under resolution of the executive committee of Tammany Hall, with Mr. Lewis Nixon as chairman, the four other members being faithful Tammany men. This committee was commonly called the Tammany Purity Committee. It did a large amount of talking, furnished the evidence upon which the successful raid of one pool-room was made, issued a report of no importance and disbanded. The Committee of Fifteen has continued to work, with the avowed pur-

pose of showing that the criminal practices of pool-room keepers and gambling-house keepers, which have been carried on almost openly and with little intervention, can be stopped, and that the failure of the police to do their duty in these matters is the result of corruption. The only publicity given to the work of the committee is that which results from its raids upon pool-rooms and gambling-houses. The committee has made a number of such raids upon warrants, and the keepers of gambling-houses and pool-rooms have been so alarmed that they have ceased to attempt to do business.

Charter Revision. The Charter Revision Commission made its final report to the governor on the first of December, as required by the law creating the commission. The work of the commission is generally regarded as excellent, particularly in view of the insufficient time allowed. The amendments proposed are now before the legislature.¹ Many organizations of citizens urge the enactment of the revision as a whole. It will probably be passed with certain changes. The amendments would (1) give to the mayor full power of removal throughout his term; (2) provide an indefinite term for appointive officials; (3) make the municipal legislature a single chamber, while recognizing and developing the board of estimate and appointment as an "upper house" with fiscal control and having initiative power; (4) increase the control of department finances by the comptroller; (5) give a single head to the police department and separate from it the bureau of elections. The revision would abolish the present central board of public improvements, which has been a body of small value, and would readjust the administrative powers and duties of the city government in a common-sense manner well designed to bring the things to be done and the machinery for doing them into working relations such as the present charter has failed to develop. In the same way, the provisions as to the borough presidents, officers who have done practically nothing, and the local boards of improvements, which have existed only as a useless complication in the municipal machinery, would give to these officers and boards real power and duties of a definite and useful character. The present charter is very largely a body of ordinances and petty regulations. The revision would continue in force sections of this nature, only until the municipal assembly should adopt appropriate ordinances in their place. The result would be to destroy, in large part, the excuse for "charter tinkering." Perhaps the weakest part of the revision is in the provisions as to the board of aldermen. This large body would

¹ Since this note was written the amendments, substantially as here outlined, have been passed, signed by the Governor, and vetoed by the Mayor of New York City, and passed again over his veto.—Ed.

be elected entirely by single districts. The corrective tendencies of large districts each electing several candidates have not been recognized by the commission, and no provision is made for the election at large of any other member than the president.

Governor's Message. In his annual message to the legislature, Governor Odell urged the desirability of greater economy in the affairs of New York City, pointing out particularly the extravagant remuneration of certain county officers within the city; recommended "the substitution of a single-headed police commission for the city of New York, such commissioner to be the chief of the police of the city, to be appointed by the mayor, and subject to removal either by the mayor or the governor, and that the present office of a separate chief of police be abolished"; and advised the enactment of laws that would enable the city of New York to control its own water supply, and that would give the city "the same rights that are afforded other municipalities for securing an additional water supply."

The Municipal Campaign. The lines upon which the municipal campaign culminating in the election next November will be conducted have not yet been laid down. The Citizens' Union, the principal campaigning body, will hold a convention in April. The convention is expected to arrange for the appointment of a citizens' committee of seventy, to conduct the independent campaign.¹

St. Louis.²—*State Legislation.* The recent municipal campaign has again forcibly called attention to what appears to be a systematic attempt to corrupt the ballot in St. Louis. The election frauds which have been of late carried on led to a presentment by the February Grand Jury which said, among other things: "We cannot conceive of a more serious state of affairs than that which existed in this city at the time of the election in November, and which we believe still exists to a very great extent." It is the belief of many that the wholesale corruption of the ballot thus indicated is the legitimate result of special legislation enacted by the state legislature with the deliberate purpose of changing the political complexion of St. Louis, which has for some time been republican, while the state is always strongly democratic.

In 1899 the state legislature enacted for cities having a population of over 300,000 (*i. e.* for St. Louis) a new election law and a new police law. The election law known as the Nesbit law was to a great extent a re-enactment, but it contained several provisions which when taken together were calculated to excite suspicion. These provisions, briefly stated, were as follows: (1) The governor was given the power of

¹ Contributed by James W. Pryor, Esq.

² Contributed by Professor Robert F. Hoxie, Washington University, St. Louis.

appointing all the members of the board of election commissioners, which board, by a majority vote, was authorized to appoint all election judges and clerks. (2) The law allowed city-hall registration under the supervision of a clerical force appointed by the board of commissioners, and instead of providing for the posting of the published lists a sufficient time before election, it was so worded that lists could be obtained only on demand. (3) The power of the board of commissioners over registration was made complete by constituting it a court of appeals to decide all cases where registration was challenged. (4) The judges appointed by the commissioners were to have, of course, immediate authority over voting. They were to decide cases of challenge at the polls, and were authorized to call upon the police to enforce their decisions, while the law removed the specific penalties previously placed upon police interference with legal voters; and (5) to complete the authority of the board of commissioners over voting, it was constituted a tribunal for deciding all cases arising out of fraudulent voting.

The police law, passed at the same session as the Nesbit law, served to insure that policemen in sufficient numbers to enforce the orders of the judges of elections, and of the right persuasion, should be at the registration and polling places. This bill created a board of four police commissioners to be appointed by the governor (the mayor of the city to be an *ex-officio* member), which was to have power to appoint an indefinite number of policemen, and it was made unlawful for the city to refuse payment to any or all policemen whom the board of commissioners might appoint.

It is evident that the provisions of these two laws just stated, if unchecked, made it practically possible for the dominant party, through the boards of election and police commissioners, to perpetrate unlimited fraud, both in registration and in voting. As a matter of fact, the only checks actually placed upon the power of the dominant party to perpetrate fraud in registration and in voting were the simple provisions that one of the board of election commissioners appointed by the governor and half of the judges and clerks appointed by the election commissioners should be members of the political opposition. The actual result is what might have been expected. The governor evaded the limitation put upon his appointing power, and through a partisan board, partisan judges, partisan clerks, and a partisan police, election frauds were committed in St. Louis that would be considered disgraceful in New York under Tammany control. The indignation aroused by the wholesale corruption at the November election has forced the legislature during the last session to amend the Nesbit law. The amendments, however, fail to eliminate the essentially weak points

of the law, and St. Louis has before her a hard struggle for home rule and purity of elections.

Baltimore.—*The Maryland Ballot Law.*¹ The Maryland Legislature in a special session of seventeen legislative days, lasting from March 6 to 28, passed new ballot and election laws, which, it is claimed, will disfranchise from 40,000 to 60,000 voters. The laws of the session have not yet been officially printed, but from the newspaper accounts the following facts are gathered: The old form of official ballots placed the names of candidates in parallel party columns, with the party name and emblem at the top, and the voter who could not read, was able at least to vote a straight ticket by putting his cross-mark beside the picture of Lincoln or Jackson; an illiterate could demand that the two election clerks enter the polling booth and mark his ballot according to the voter's directions; and a person once legally a resident of the state and not voting elsewhere could return to the state and exercise the right of suffrage although not actually an inhabitant of the state.

The new laws provide for a ballot modelled after that adopted by Massachusetts in the act of 1898; the names of the candidates are arranged in alphabetical order under the name of each office, with the name of the party printed beside that of the candidate, but party emblems are forbidden. The voter must mark each candidate separately, the old straight ticket possibility of course disappearing with the adoption of an alphabetical arrangement; and unless the voter is physically unable to mark his ballot he may not receive assistance from the election officials. Ballots improperly marked are not to be interpreted according to the intention of the voter, as was done under the old law, but to be thrown out altogether. Further, a more stringent system of registration was adopted in order to cut out some of the non-resident voters. In addition to the ballot and registration provisions, the legislature also passed a law for the taking of a new census of the state, claiming huge frauds by the national Republican census-takers in the interest of their own party; and acts for the redistricting of Baltimore and for the erection of a Baltimore city sewer commission which will have the charge of public works, it is said, amounting in value to \$20,000,000.

This new election legislation does not expressly impose an educational qualification as does the Massachusetts act, but the complicated form of the ballot amounts to such a restriction. It is admitted by both parties that the new legislation will disfranchise many of the present voters, perhaps to the number of 50,000, of whom by far the larger part will be negroes. The Republicans, in an appeal to the people of the state, claim that the entire legislation of this session is

¹ See also *ANNALS*, March, 1901, p. 171.

a party measure, aiming through negro disfranchisement, partial registration, party census-taking, gerrymandering, and a partisan sewer commission, to maintain the Democrats in power. The Democrats in turn criticise the national census of the state; claim that the old election law really lends itself to election bribery, and that the Republicans bring into the state at election times thousands of non-residents; and call the present districting act for Baltimore (passed in 1898) as an outrageous fraud, which the new districting measure will remedy. To the objection that the laws will disfranchise many voters, the Democrats reply that Maryland has the best school system south of Pennsylvania, and if the negroes are uneducated, it is their own fault; while the disfranchised whites must be sacrificed for the general welfare of the state.¹

Minneapolis.²—*New Charter.* The proposed new charter, noticed in the ANNALS for November last, was rejected at the polls by a decisive majority. The total vote upon the proposition was so small that the charter could not have been put into operation had the majority been the other way. The chief influences contributing to the defeat of the proposition appear to have been (1) the opposition of organized labor, which claimed that its interests were not sufficiently secured; (2) the opposition of politicians bidding for the support of the charter's real opponents; (3) the indifference of voters who were too much absorbed in the other issues of the election to give any thought to the charter question. The prospect for securing in the near future, a new charter under the present statute, appears very dubious; apparently the requisite total vote upon the proposition cannot be secured at a general election, and a special election finds little favor on account of the expense involved. An attempt is being made to secure a few features of the rejected charter, *e. g.*, the merit system in the police department, by action of the state legislature.

New Primary Law.—Owing to the Republican landslide the last election did not afford a satisfactory test of the influence of the new nomination system upon the subsequent election. The Republican ticket carried several objectionable candidates, whose defeat might have been expected in a fairly close election under the old system of nominations. All of them were elected, but it is impossible to determine whether their success was due exclusively to the landslide or to the landslide *plus* the influence of the new nomination system. Some close observers believe that the tendency of the new system is to carry through the whole party ticket, regardless of its *personnel*; the voters argue, say these observers, that the nominations having been made by

¹ Contributed by Albert E. McKinley, Ph. D., Philadelphia.

² Contributed by Prof. Frank Maloy Anderson, University of Minnesota.

the party, not by the politicians, that fact absolves them from any obligations to inquire into the qualifications of the party candidates. The vote obtained by some of the objectionable candidates (for they ran behind their ticket less than was expected) would seem to sustain this view, but nothing certain can be determined until there is a closer election. Several propositions for the amendment of the primary law are now before the state legislature. All of them relate to the details of the law; there is no suggestion of altering its fundamental principles. The greater number of these propositions are intended to prevent the members of one political party from participating in the selection of the nominees of the other party. In the last primary election, as was perhaps inevitable at the first trial of the system, the rules for voting and counting were not strictly observed; in consequence there is a widespread belief that at least one of the Republican nominees was selected by the aid of Democratic votes. The proposed amendments look to the abolition of this defect in the law.

Mayorality Contest.—The late mayorality contest presented an interesting phenomenon for the student of municipal government. In addition to the regular Republican and Democratic nominees there was an independent candidate of exceptional fitness and backed by powerful influences of the "good government" sort. Both of the regular party nominees were objectionable to large sections of their parties and the independent candidate was able to obtain written pledges of support from over 10,000 voters, *i. e.*, from about thirty per cent of the electorate. Yet on election day the independent candidate obtained only a little over 8,000 votes and stood third in the race. The result would seem to demonstrate that in this city no independent candidate can compete successfully with regular party nominees at an election where local questions are liable to be influenced by state and national issues.

Spoils System.—Minneapolis has recently witnessed an application of the spoils principle on a scale seldom, if ever, equaled in recent municipal history. On the day of his inauguration the new Republican mayor removed 105 out of 210 members of the police force and appointed new men in their places. No charges against the removed men were made public; the open and avowed purpose was to make the force Republican; the real purpose, it is generally believed, was to make the police force an effective agency for promoting the personal political interests of the mayor.

Day Labor.—During the summer of 1900 all the city paving was laid by day labor. The city engineer reports that the experiment was eminently satisfactory. The men worked but eight hours per day and were paid the maximum market rates of wages, yet the cost per yard

was less than in previous seasons under the contract system, and the city engineer believes that the work was done better.

Omaha.—*The Official Census.*¹ The results of the twelfth census, as related to this city, have attracted widespread attention. Out of a total of thirty American cities, having a population of over 100,000 each, Omaha is the only one which shows a decrease from the figures of 1890. However, a comparison of the federal census of 1900 with other data, such as the registration list of November, 1900, the city directory for 1900, and the school census, would indicate that the twelfth census has under-counted Omaha, whose actual population shows a substantial gain of nearly twenty-five per cent since 1890. It has long been a subject of current remark that the 140,000 ascribed to Omaha by the eleventh census were far in excess of the real number of its inhabitants. There were many circumstances which encouraged the padding of that census. While it was being taken, the state was in the throes of a political campaign involving the submission of a prohibitory amendment to the constitution, and it was the desire of the anti-prohibitionists to make the growth of the state and its cities appear as large as possible, so as to contrast with the neighboring states of Kansas and Iowa, both of which were then under prohibition, and neither of which had then any large cities. A second motive for padding the census, was found in the desire of politicians, into whose hands the machinery of the census had largely fallen, to secure an increased number of representatives in congress, and also in the electoral college. These and similar causes, operated to bring about a census which the candid, thoughtful and intelligent citizens of Omaha believed, at the time, to be fraudulent and grossly exaggerated.

The League of California Municipalities² held its third annual convention in San Francisco, December 12, 13 and 14, Mayor James D. Phelan, of that city, presiding. Secretary H. A. Masou, in his annual report, described the growth of the League from thirteen constituent cities in December, 1898, to sixty-three cities in December, 1900. In connection with the office of secretary, a bureau of information for city officials was established over a year ago. This department has greatly increased the usefulness of the secretary, and with each year the effort will be to make this collection of data concerning municipal administration more complete. Upwards of fifty inquiries from city officials were answered during the past year, including questions relating to legal precedents. The growth of interest in municipal affairs was reviewed in the following words: "The National Municipal League reports 463 organizations engaged in municipal

¹ Contributed by Charles Sumner Lobingier of the Omaha bar.

² Contributed by Clinton Rogers Woodruff, Philadelphia.

work. There are state organizations of municipalities and municipal officers in the following states: California, Colorado, Indiana, Iowa, Ohio, Michigan, Pennsylvania, Kansas, Wisconsin, Connecticut and Texas. Some of these are merely social organizations, but the majority are organized for practical purposes, and some of them are doing exceptionally good work. I doubt, however, if there is one better organized or having a larger membership than has the California League."

A. H. Breed, of the City of Oakland, submitted the report of the committee on uniform municipal accounting, in which that subject was carefully discussed. An interesting debate followed its presentation. Other reports from the committees on streets, law and legislation were received and discussed. Among the subjects treated in the various papers were "The New Public Library Law," "Municipal Elections," "Water Works," "Weeds and Street Sprinkling," "Electric Lighting Contracts," "Disposal of Franchises" and "What the Cities are Doing." Mr. Joseph Hutchinson, of Palo Alto, was elected president, and Mr. H. A. Mason, re-elected secretary.

Duluth. — *Municipal Advertising.* The friends of municipal ownership of public utilities have generally to encounter not only the obstacles inherent in the business undertakings themselves, but also the opposition of the press which delights to call attention to the shortcomings of the city authorities. When the press is not actually captious in its criticism, it is necessarily indifferent to the details of public administration. The superintendent of the water and light department of Duluth,¹ has undertaken in a novel way to represent clearly, strongly and enthusiastically the merits of his administration. He issues occasionally *The Gas Jet*, a four-page leaflet. Aside from the "true statement" of the results of municipal administration, there are two pages of airy matter designed to stimulate greater patronage as well as greater popular interest in the people's enterprises. The general principle is certainly commendable that administration depends upon education—in default of other agents the city officers might well regard an interesting report as an important factor in educating the public with respect to municipal needs and municipal progress.

FOREIGN CITIES.

Municipal Socialism in France.²—Two kinds of municipal socialism can be conceived: the first consists in the fact that a parish takes entire charge of the direction of certain works, such as tramways, water, gas, electric light, in the discharge of its different public duties;

¹ See *ANNALS*, January, 1901, p. 149.

² Contributed by M. André Siegfried, Paris.

the second resides in the intention of a town-council to interfere in an active way, and with a view to modifying it, with the economical system of commercial and industrial liberty, to suppress some definite branch or to transform it into a parochial monopoly for the advantage of the community, or, without going so far, to protect some mode of production or of exchange at the expense of others, or even to enter into competition with private initiative by the creation of a parochial industry or commerce with the aid of the public funds. The first mode of administration cannot be legitimately called socialistic. From the fact that a parish intends managing alone its patrimony, or what can be considered an appendage to its patrimony, it does not follow that it wishes to encroach upon commercial or industrial liberty, and to parochialize certain branches. To the second manner of proceeding alone can be applied with correctness the name of municipal socialism. The Parochial Law of 1884 is silent on the subject of the parish's powers to conduct enterprises. In the absence, therefore, of positive grants of power, the municipality must be guided by the law of 1791, which proclaimed liberty of commerce, industry and labor. Only such undertakings are consistent with this general provision as can be considered essential to the existence of the municipality. Just where the line is to be drawn has been forced into prominence as a practical problem, by the appearance, since 1892, and especially since 1896, of municipal trading in so-called social parishes.

Roubaix. Since 1892 the social parish of Roubaix has doubled the endowment of the benevolent establishments, instituted school canteens, granted pensions to paupers, established cheap eating-houses, reserved funds for sending workmen back to their birthplaces, erected a widows' city of thirty-five houses, distributed clothes including municipal baby linen, created municipal *crèches*, sent about two thousand children to the maritime hospital of St. Pol's sanatorium, built municipal baths, municipal *sweating* houses, etc. So far we have perhaps only an exaggerated hypertrophy of a public duty, the duty of assistance. Central administrative authority did not interfere until Roubaix proposed to create a municipal chemical factory; this was vetoed on the ground that it was competition with private industry and not the mere exercise of a public duty.

Dijon. Dijon, conquered by the socialists in 1896, escaped from them in 1900. During that interval the municipality established *crèches* and school canteens, obtained from chemists a reduction of 50 per cent for the assisted poor and 33 per cent for the syndicated workmen, and inaugurated a subsidy equal to twice their assessment to the syndicated workmen insured against stoppage with a limit of two francs a day.

Poitiers. In 1898, the town council of Poitiers, with a view to obtaining a lower price of bread, decided to encourage the creation of co-operative societies for bread-making and flour-sifting. A trust of 10,000 francs was voted to be put at the disposition of an initial co-operative society. The industrial bakers asked the prefect, and on his refusal, the state council, to annul this vote, as bearing upon an object foreign to the functions of the town council. The state council granted the bakers' claim, and its decision was preceded by the following opinion, delivered by the government commissioner, M. Rouien:

The Limits to Municipal Trading. When the law is silent, it is the business of the state council to settle the limits, in a great measure through the examination of the powers of the local assemblies. The latter cannot, as a principle, follow a business or an industry, firstly, because it constitutes a modification in the economical system of the freedom of commerce; secondly, because it is not without inconvenience that the municipal finances are engaged in the hazards of commercial enterprises. For that reason the state council has not admitted the creation of municipal chemical establishments, and has refused to license the creation of departmental funds for insurance with premiums against fire. But, when the question refers to an industry which, by its nature, constitutes a real monopoly, such as the distribution of water and gas, nothing opposes its being instituted as a public duty. Or if it is established that an undertaking is essential to the protection of the public health, the council will sanction it. On the other hand, the town and general councils cannot, on principle, devote the parochial funds to subsidies in favor of private individuals for the sake of settling the relations between producers and consumers, or between masters and workmen. Thus the state council, at a general meeting, annulled the decisions of the general councils which granted—not aid to the families of strikers, which aid might constitute acts of charity—but subsidies to the strikers themselves during the strike. Again, when the aim is not to interfere with the economical conflicts, but to minister to pressing needs in view of public health or alimentation, in case of the insufficiency of the means furnished by private initiative, the exceptional interference of the town councils is legitimate and legal.

The government commissioner, applying this principle to the affair of the co-operative bakehouse of Poitiers, observed that there existed in Poitiers none of those exceptional cases which can justify the vote for a subsidy. The essay of partial socialization of the bakehouse business attempted by the town of Poitiers was not therefore included, with regard to the actual state of legislation, in the town council's powers, and the municipal ordinance was annulled.

London.—*Sanitary Administration.* The Medical Officer of Health for the Administrative County of London has just issued the report for the year 1899. In addition to the formal report there are three appendices, presenting respectively: (1) Statistics relative to notifiable diseases in the sanitary areas of London in the nine years 1891-99; (2) facts respecting the sanitary condition and administration of Kensington; and (3) respecting the sanitary condition of cemeteries and burial-grounds in and near London. From the last it appears that London requires fifty-five acres per annum for burial lots, plus nine acres for paths and sixteen for neutral belts, or in all about eighty acres. The economy of crematoria is obvious. It is shown that crematoria are authorized in Manchester, Glasgow, Liverpool, Hull, and St. John's, Woking.

The inspectors of the London County Council have sole responsibility for only one or two branches of inspection. For the most part, local district inspectors attend to the routine inspection of nuisances. The results are given in the present report, but with less uniformity of classification than usual. The county inspectors made 23,999 inspections of cowsheds, dairies and milksheds and instituted fifty-five prosecutions; 5,082 inspections of offensive businesses, resulting in ten prosecutions; 28,615 inspections of common lodging-houses, 1,162 of which were by night, fines to the amount of \$950 being imposed. Twenty-two districts report the registration and inspection of over 7,000 rented houses, while one district of only 61,000 population reported 7,920 inspections.

With the exception of Bristol and Bradford, London's zymotic mortality rate is the lowest of the English towns having a population of 200,000 or more. The infant mortality, usually regarded as a reliable index of sanitary administration, is the lowest in any except Bristol. The death-rate of London is 19.8 per 1,000 living, just 1 per 1,000 greater than that of Philadelphia and 1.4 greater than that of New York. If these three cities could reduce their mortality rate to that of Amsterdam (15.3) they would save each year over 38,000 lives.

Of special interest to students of the social and economic phases of municipal administration are the tables which show the number of lives and the amount of life capital gained by the decrease of mortality. Taking the decade 1881-90 as a basis of comparison, improved sanitation in London gained for London in the years 1895-99 on the average of 6,610 lives and the amount of life capital of 249,740 years. Add to this the capital saving represented by decreased sickness, and there is material proof to the most sordid taxpayer that there is no better investment than to procure efficient sanitary service. Incidentally it must be apparent that the educational function of the sanitarian's report is socially as important as inspection and prosecution.

II. SOCIOLOGY.

The Organic Theory of Society.—In an article in the March number of the "American Journal of Sociology," on the Organic Theory of Society, Prof. A. H. Lloyd, of the University of Michigan, attempts to show how that theory is an outgrowth of the contract theory of society. He considers the two conceptions as nearly co-ordinate—the contract theory emphasizing the origin and support of society, while the organic theory deals with society's inner nature. The two theories are considered as indicative of society's interests at different times. When the contract theory was generally accepted, people were interested more in origins, while now their interests centre more in the character of institutions.

The writer excludes the sociological, biological, and economic concepts of society as an organism, and proceeds to treat the subject as an historical study—that is, of man's development under law and government. He endeavors to show: (1) "That the contract theory, like any theory in history which might be mentioned, has quite outgrown itself, the contract that makes society proving to be only a political philosopher's name for the fundamental lawfulness of nature or—as the same thing—for the natural respect of man, a rational being, for law as such; (2) Through this deepening of the conception of the social contract the organic and thoroughly naturalistic theory has been evolved, and (3) that—particularly in response to this doctrine of equality among men—the result in both theory and practice has been greater unity of man with himself, as in the character of the individual of to-day; greater unity of man with his fellow man, notably in the development of a conscious internationalism; and greater unity of man with nature in industrialism."

"The organic theory," he says, "revolves about the conception of the state as original and natural, instead of artificial and supernatural." To this theory contract is only mediative or definitive, and he then discusses the character of its mediation. "With the rise and evolution of the contract theory, and this is to say, with the rise and evolution of constitutional governments, political life, changing from absolute monarchy to limited monarchy, or even to avowed democracy, has developed very positively along the lines: (1) of personal and national individuality; (2) of national and international organization; (3) of industrial life which has relied upon man's success in identifying himself with nature. These laws of development are inseparable, and mark the threefold mediation of the social contract."

From the point of view of political development the discussion is

interesting, but it throws but little light upon the problems with which the sociologist deals.

J. E. H.

Dr. Folkmar's book "*Leçons d'Anthropologie*" is a series of lectures delivered at the new University of Brussels in 1899. In his preface the author gives some account of the genesis of his ideas, and declares that sociology includes more than phenomena of a strictly social nature; for the purposes of social application, the study of the facts of individual life seem to him to be just as important as purely social data. He therefore adopted the term, "philosophical anthropology" as covering all the manifestations of human life, and as distinguished from the narrower field of physical anthropology. The immense field thus marked out is systematically discussed in the nature and relation of its various parts, with the application of a logic far more rigorous than is usually found in books of this sort. There are more startling statements and conclusions in it than sociological banalities; and the author has been careful to state that his results are tentative rather than definitive. Indeed, the book treats of such a multiplicity of complex problems that this could not well be otherwise. But it is so imbued with the spirit of criticism which approaches the most time-honored institutions and the most venerable doctrines with the same confidence as the current problems of social science, that even the readers who will differ from the author in his most important conclusions will doubtless find intellectual stimulus in such sections as those treating of "Criticism of the Sciences" and "The Race."

The first two chapters outline the field of "philosophical anthropology," and establish an essentially subjective classification of the sciences and arts it should include. The author attacks the idea of "science for science sake," and maintains that the rank of sciences should be determined by the directness of their bearing on practical life, by the importance of their contribution to the solution of the problem of human conduct. Man was not created for science, but science for man. Instead of dividing sciences according to their logical or their chronological order, they should be divided according to the needs of human life, that is to say with a view to their relation to the purposes of life and the means necessary for achieving those purposes. The chief task of philosophical anthropology is to apply the data of all sciences to ethical purposes. There must of course be a division of scientific labor, but this division should depend upon the mental nature of the individual scientist rather than upon any cut and dried mathematical partition of subjects. The study of man stands higher than any other study. The progress of his faculties, the consideration of his destiny and the means of realizing that destiny are

far more important matters than the microscopic examination of the implements used by primitive tribes. There should be more specializing in the social sciences than in the physical sciences, because they are more complex and difficult, as well as more important.

Sociology is defined as "that part of philosophical anthropology which studies social phenomena. It includes two objects: a science which embraces the so-called social sciences, that is to say, those which study the economic, political, religious and other aspects of social life; and, in the second place, the art or arts which may be designated as social ethics. Sociology is the science, or rather the philosophy, which studies societies and consociations; it is the science of association. It is an abstract science in the sense that its principles are true at all times and in all places." Further on we are told that "all so-called social phenomena are individual phenomena; they are by their very nature psychical, and can only be explained by the psychology of the individual." Psychology, as thus understood, differs from conventional psychology.

Philosophical anthropology, and the various sciences it includes, offers the basis for ethics. "What shall we do? Which are the acts that most deserve being accomplished? These are questions which belong to the domain of morals. The only adequate reply we can give to them should be based on a knowledge of man and his history.

. . . Ethics, considered as prevision, necessitates a knowledge and understanding of the action of nature on man, and of man on nature. . . . Our habits of thought in this field are so pernicious that it seems absurd to seek a certainty in ethics analogous to that of sciences like physics and mechanics. Yet we can and should reach a certitude of this sort. To demonstrate this will be one of the purposes of this book." Dr. Folkmar's ethics is thus frankly positivist and determinist. Parts of his book indicate a strong individualistic tendency, while others are scarcely compatible with an ultra-individualistic ethics. We are told, for instance, on page 46, that "all social activities will be explained by the fact that they have a certain utility in the satisfaction of the individual's needs"; elsewhere it is said that "reproduction, from a certain point of view, is more important than nutrition, the life of the species being more important than that of the individual, from the moral as well as the philosophical point of view." Survival is declared to be "the fundamental law and the only possible moral aim," it is "the final measure and moral criterion of all actions," and "evolution, particularly evolution in ideation, is the second great explanation and the aim of human life. The essentially biological functions, nutrition above all, are the most important from the moral point of view (p. 42). Co-operation and sociability in

general have a secondary moral value and only contribute to the progress of individualism, considered as an end in itself." Frequently, however, Dr. Folkmar puts the survival of the race above that of the individual. Death is pointed out (p. 235) as one of the individual human activities which may be advantageous to the race; and the law of evolution, always valid for the human race, is not valid for the universe regarded as a whole.

We are justified in doubting whether Dr. Folkmar's positive conclusions have brought us any nearer an ethics "without sanction and without obligation," despite his constant effort to express ethical matters with mathematical exactitude. This desire for "exact" expression has led the author to some peculiar results. "The immediate future" is defined to mean the next fifteen years. The expression "certain" is fixed to mean 95 to 99 cases out of 100; "very probable" means 90 to 95; "probable" means 75; "rather likely," 60; "possible," 50; and "impossible," less than 50. We are told that "we can estimate the moral and intellectual forces of a country by the number of churches, schools and scientific publications." Is it not forcing matters somewhat to declare that "the fundamental law of all science and philosophy, namely that matter and movement are indestructible leads us as a next step to the command: "Thou shalt not kill?" (p. 74).

It may be unfair to separate these quotations from the context, and perhaps Dr. Folkmar would be the first person to realize their objectionability. His sound critical judgment makes the negative parts of his book singularly strong. His condemnation of methods in vogue in sociology, methods which are a disgrace to science, is not too vigorous. It is perfectly true that "there is a dangerous tendency to use such words as 'race' and 'nation' in an absolute sense, as if they designated a particular being, an organism possessing definite attributes and faculties." "In prehistorics many facts which could not sustain examination are admitted as proofs."

It is a logical consequence of the doctrine that complete life is the ethical end, to refer constantly to physiology, biology and psychology, and to attempt the establishment of a hierarchy and harmony in the diverse functions of life, keeping in view their ethical importance. The author divides human activities, therefore, into two large classes, "primary" and "secondary" activities, each of which is discussed at length, with constant reference to the ethical end. We have numerous sciences of human activity, but they omit the criterion of practical utility. The psychologist should pay more attention to matters of practical importance, to morbid psychology, hypnotism, to child psychology, for example, which should form the basis of peda-

gogy and destroy the senseless routine now in vogue (pp. 107, 112). The economist should cease living in a *tour d'ivoire* of theoretical abstractions, and help us to diagnose and cure the economic ailments of society. Students of political science should renounce the absurd cult of the constitution, give up their fetishism in connection with the idea of democracy, and adopt an intellectual attitude of criticism.

Much might be said in objection to Dr. Folkmar's cursory discussion of race conflicts, and especially the indefiniteness of the terms "superiority," "adaptability" and "survival;" issue might be taken, too, in his discussion of education, on the question of identity between the complete life, and increased specialization. Is the life of a modern workman, occupied with one narrowly prescribed activity, when compared with the varied labors of the mediæval laborer, a progress toward the completer, more harmonious life of the individual?¹

Totemism.—The recent investigations of Dr. A. E. Jenks among the Ojibwas confirm the position taken by Mr. Henry Jones Ford in the March number of the *ANNALS* as to the origin and significance of totemism among primitive men. In his story of Ji Shib, although a story, Dr. Jenks narrates accurately and vividly the character of impressions the everyday events make upon the Indian boy as he grows toward manhood. In the preface we are told that "the world of things does not mean to the Indian what it means to us. It is difficult, almost impossible, for him to separate himself from the other, so-called, lower, animals." To the animals were imputed all sorts of mysterious powers.

Each person among the Ojibwas, especially the warriors, has a guardian spirit or totem that is responsible for his origin and that guards and aids him during life. As the story goes, on the day when Ji Shib was born a beaver was shot, and its hide was wrapped about the Indian babe. Ever afterward he and it were inseparable—it was his guardian spirit. Again we are told that all Ojibwa boys of a certain age must fast four days and nights in order to dream of some animal or plant which shall be their special guardian spirit. The dreams of Ji Shib seemed to confirm the theory that the good spirits sent the beaver to be his guardian spirit. And he reasoned thus: "Did not the beaver find him at his birth? Had not the beaver's fur wrapped him during babyhood? The beaver had always kept him, and would he not always keep him?" We thus see the imputation of superior power to the particular animal or plant which was responsible for the origin of the individual and which is his guardian spirit. J. E. H.

¹ Contributed by C. W. A. Veditz, Ph. D.

III. PHILANTHROPY, CHARITIES AND SOCIAL PROBLEMS.

Ohio State Conference on Charity.—Among the eighteen State Conferences of Charities and Correction held within the last six months especial mention should be made of the Ohio Conference. The discussion, much of which was extemporaneous, was upon very definite, concrete problems, such as "Should the state aid in placing children in families, and in the after-supervision of such children?" "Is it the duty of county visitors to let a report go to the local papers before the yearly report, as a whole, is sent to the State Board of Charities?" "Should children be placed near their former homes or at a distance therefrom?" "Does Ohio need a state agent to investigate the circumstances of foreigners who become public charges within one year after their arrival, with a view to having them returned to the countries from which they came?"

The proceedings of the Ohio Conference above mentioned have recently been published in the official Bulletin of the State Board of Charities. A study of this pamphlet would be of service to all who have any responsibility for programs of similar conferences and conventions.

Loans to the Poor.—One of the most vexatious and burdensome impositions upon the poor is the system of loans by chattel mortgages and the extortionate rate of interest charged upon these loans. It is doubtful whether the individual lenders often make exceptional profits from this business, notwithstanding the absurd charges which they make, since the system tempts to dishonesty, and to failure to meet obligations even when there is no such intention on the part of the borrower. An instance which has come under the observation of the writer will illustrate the ordinary procedure in connection with such loans as made in New York City, typical, however, of the business in other American cities as well.

A woman of excellent character and with a reputation for thrift and careful management, in an emergency applied to a loan company for the sum of \$25. She gave her note for this amount but received in cash only \$19, the difference representing the charge for appraisement and other incidental expenses. The law permits the lender to charge 3 per cent a month for the first two months and 2 per cent thereafter for the first year. As a result the loans are made for two months only, and at the end of this period the loan must be repaid and a new loan negotiated with \$5 or \$6 charges for appraisement, etc., as at the time of obtaining the original loan. At the end of four months the bor-

rower had paid in all \$15, only \$4 less than the original amount obtained but with no portion of the principal of her debt as yet discharged, the loan having been twice repeated. The lender considered himself entitled to the entire \$25 with interest at the rate of 36 per cent per annum upon that amount from the time when the loan was made. When asked whether his client was not paying \$40 in return for her \$20 he responded that she was doing nothing of the kind, that according to his method of figuring, he had loaned her \$75!

As there was a possibility of disagreeable publicity, however, he expressed a willingness to compromise for \$15 in cash but desired to regard the remaining \$10 as a contribution to the society which had become interested in the matter.

A case is cited by the Associated Charities of Milwaukee in which a man had paid \$7.50 a month on a loan of \$75, and after having paid \$15 more than the principal still owed the entire \$75.

The Workingmen's Loan Association of Boston, the Buffalo Provident Loan Company, the St. Bartholomew's Loan Agency of New York City are among the attempts to combat this evil by the organization of rival companies upon a business basis, loaning money at a moderate rate. A paper on the subject was presented at the Cincinnati National Conference of Charities and Correction by Miss Mary L. Birtwell, General Secretary of the Associated Charities of Cambridge, Mass., but with the exception of the organization of the State Pawn-ers' Society of Chicago little progress has been made since that time in remedying the evil. The difficulties are greater than in the case of pawnshops, since in the latter the lender has possession of the goods and can thus prevent the borrower from making away with them, and from causing them to deteriorate in value.

Housing Reform.—The movement for housing reform which has had so notable a development in New York during the past two years, resulting in the passing by the legislature of the four bills recommended by the Tenement House Commission, has spread also to other American cities. In Chicago a new society, known as the City Homes Association was formed about a year ago and it has been conducting a scientific and thorough investigation of housing conditions in Chicago. It is understood that a report embodying the result of this investigation will soon be issued setting forth for the first time in a scientific form what the conditions are in that city. A similar investigation has recently been started in Kansas City through the Bureau of Associated Charities; a company having been formed to build small cottages in the outskirts of the city and to remove thereto a number of families now living in the "packing house district." Free transportation for one year has been secured for the heads of these

families and after this period a five-cent fare is to be charged. It is expected that the electric line will bring the men to their work within fifteen minutes. Twelve families are to move out to this colony during this spring. The houses are to contain three or four rooms, each with half an acre of land around them and are to cost from \$450 to \$600. In addition to this scheme for providing suburban homes for the wage-earners of Kansas City, a movement is also being started to secure a proper code of tenement laws and ordinances.

In Philadelphia the Octavia Hill Association, formed about four years ago, is quietly carrying on its successful work. This association buys up small dwellings and tenements of moderate size and puts them in order and properly manages them, making a point of renting them to the really poor people of the city. Many of these houses, before the Octavia Hill Association took hold of them, were dangerous to health and a disgrace to Philadelphia. The change that has taken place under the management of this association is most beneficent. Through a system of proper management and friendly rent collecting the association has accomplished extremely satisfactory results. Dividends of 4 per cent upon the stock have been paid during the past year and the association has no outstanding debts.

There is hardly any large American city in which similar associations should not be formed to manage properly tenement house property, and in which results would not be of incalculable benefit to the laborer.

Charities Directory of Frankfurt a. M.—The first Charities Directory of Frankfurt-on-the-Main has been published by the *Stadtbund der Vereine für Armenpflege und Wohlthätigkeit* of that city. It is a volume of 179 pages and is classified somewhat after the plan of the New York and Boston charities directories. The association which publishes the volume was founded in 1899. Its object is to unite the various charitable and philanthropic agencies of the city and to promote co-operation among them by means of conferences and otherwise. The expenses of the *Stadtbund* are borne by appropriations from the various constituent societies and by voluntary contributions.

Wages in Siam and in Switzerland.—The United States Consular Report for March contains an interesting note on wages and prices in Siam based upon the personal investigations of the consul general. The wages of day laborers are represented to be from fifteen to thirty cents per day in gold, while farm hands earn from \$12 to \$13 and living expenses per season. It is unnecessary to quote the prices of food and articles given in the table since the articles enumerated "do not enter into the living of the laboring man or the mechanic

to any great extent." "The laborer with wages from fifteen to thirty cents a day sits upon the floor in his home, sleeps upon a grass mat, cooks on a box of earth or an earthen crock for a stove, and eats his fish, rice and simple vegetables out of the same dish with his family, without fork or knife or spoon. Eggs, which are very cheap, he has at times; chicken on rare occasions, and . . . beef is almost unknown in the common laborer's meal."

* * * * *

"Nature is most kind in this tropical climate, and yet, with all her gentleness, the death rate among the poor is enormous.

"The mechanics [the majority of whom are Chinese] differ from the laboring classes in that they live together, more closely packed, as tenants, in large bamboo or wooden houses that modern ideas have brought into the city (Bangkok)."

It is reported that while wages have advanced during the last twenty years some 75 or 80 per cent, the staple articles upon which the natives depend for food have advanced on an average 309 per cent during the same time.

Mr. Walter B. Scaife in an article in the *Forum* for March on Labor Conditions in Switzerland refers to a systematic attempt made in 1895 to compile the wages of labor in Switzerland. The year covered by the statistics was 1893. Among the trades, divided into fifteen categories, and including more than 78,000 persons, the wages of 65,204 workers were ascertained. Of these 1,563 received 1 franc or less per day; 3,946 earned more than 5 francs a day, while only 41 were paid more than 10 francs per day. 31.8 per cent of the workers in cotton factories earned from 1.51 franc to 2 francs per diem. 85.5 per cent of the silk workers earned 3.50 francs or less per day. For woollen goods the condition was still less favorable, 32 per cent working for wages between 1.51 francs and 2 francs a day.

From a table of average wages for the first half of 1899 it is learned that builders receive as high as 55 centimes an hour; stone masons from 5 to 6 francs a day, and carpenters up to 50 centimes an hour.

Many of the Swiss workers live chiefly on bread and cheese, tasting meat but twice a week, replacing it on other days with vegetables or macaroni, and frequently satisfying their hunger with fried potatoes. The custom, however, of feeding the laborers in the factories is constantly gaining ground. One proprietor goes so far as to provide food five times a day, including two meals with meat dishes.

The cost of lodgings in Switzerland as elsewhere is not only out of proportion to the wages earned but also relatively far dearer than that of the higher-priced apartments. Moreover there is a lack of lodgings at prices within reach of the working classes. In Basle a law was

passed in 1900 covering rented houses and including the sleeping rooms of domestics, house laborers and apprentices. The law provides for the creation of a house commission and a corps of inspectors empowered to visit houses without previous notice. This law included, however, so many innovations and involved restrictions on the privacy of the home to such an extent that the referendum was demanded and the measure was defeated.

Mr. Scaife's article concludes with a brief account of the rejection through the referendum of the compulsory insurance law of 1899. Since February 1, 1899, in the canton of Neuchâtel under which five local mutual insurance companies have turned over their policies and funds to the government institution, 7,971 life insurance policies, aggregating 6,722,757 francs, were in force on December 31, 1899, under this system.

Charity Organization in Small Cities.—At the National Conference of Charities and Correction, held in Cincinnati in 1899, there were frequent inquiries, as there usually are at the National Conference, concerning the adaptation of organized charity to small communities. In the interval since that meeting the secretary of the Associated Charities of Dayton, Ohio, has collected information concerning the actual conditions in eighty-three cities of Ohio of a total of ninety from which information was sought. In January, 1900, the average population of these cities was 10,200. The results obtained were submitted to the Tenth Annual Conference of Charities and Correction at Dayton in October, 1900.

Fifty-seven correspondents gave the name of some society in their respective towns that claimed to look after the poor in their homes to a greater or less degree. Twelve reported that they had no such society, and an equal number did not answer this question. The principal "recognized private charitable organizations" in fifty-two cities were as follows: Women's Relief Corps, fourteen cities; King's Daughters, four; various relief and benevolent societies apparently not affiliated with any religious organization, twelve; Needlework Guild, two; Associated Charities, so-called, twelve; Dorcas Society, three; Humane Society, two; Women's Christian Temperance Union, one; Young Women's Christian Temperance Union, one; City Mission, one.

Forty-one cities answered the questions concerning the scope of their work. The purpose of one is "to improve the condition of the poor;" thirty-three are for general relief; three for relief, but especially for children. One of the principal objects of a certain society is "consolidation of all relief societies." One is organized to make new garments for the poor; one looks after the interests of the sick

poor, while one says with some degree of ambiguity that "their society does what associated charities usually do."

It was discovered that men are the directors or principal officers in twelve of the twenty-eight societies which were organized for the definite purpose of caring for the poor of the community. Twelve have only women on their official boards, while the remaining four have men for treasurers or other positions not directly connected with the management. The twenty remaining societies from which information was obtained regarding their list of officers are in charge of women, but in none of these societies apparently was the general relief of the poor the primary purpose of the organization.

Mr. Edward A. Fay's paper was supplemented by another from Mr. W. S. Eagleson, superintendent of the Associated Charities of Columbus on the Need of a State Committee on Organization of Associated Charities. This committee after discussion was duly appointed under the chairmanship of Mr. Fay. The duty of the committee is described as follows : To create a desire for improved conditions in charitable work ; to meet this desire by furnishing literature and information ; to advise with existing organizations in various cities and to infuse into them the proper spirit ; and to act as a bureau of information upon questions which may perplex those who are new in the work of organized charity.

National Conference of Charities and Correction.—The National Conference of Charities and Correction will hold its twenty-eighth annual session in Washington, D. C., beginning on the evening of Thursday, May 9, and continuing until the evening of Wednesday, May 15. There is every indication that the conference will be an exceptionally interesting one, and that the attendance will be unusually large. An exceptional opportunity is afforded the conference by reason of its meeting at the National Capital.

The conference sermon will be preached by the Rev. George Hodges, D. D., dean of the Episcopal Divinity School, Cambridge, Mass. His subject will be "The Progress of Compassion."

A special feature of the conference will be the preaching of a number of sermons in Washington churches on the conference Sunday, by eminent preachers from all parts of the country on "The Application of Religion to the Social Problem," with special reference to the alleviation and care of social evils and their victims. Mr. Amos W. Butler, secretary of the Board of State Charities of Indiana, chairman of the Committee on Destitute and Neglected Children, will present the report of the committee. He will be followed by Professor Charles R. Henderson, D. D., of the University of Chicago, in an address on "The Neglected Child of a Neglected Country." This

committee will also hold three section meetings, at one of which "Boards of Childrens' Guardians" will be discussed by Mr. Alexander Johnson, superintendent of the Indiana School for Feeble-Minded Youth, and by representatives of the boards of guardians of District of Columbia, New Jersey and Indiana.

"Child Saving Work under State Supervision and Child Saving Work without State Supervision," will be discussed by Mr. Joseph P. Byers, secretary of the Board of State Charities of Ohio. The committee will hold a joint session with the committee on Juvenile Reformatories and Industrial Schools, at which the George Junior Republic will be discussed by Mr. Thomas M. Osborne, president of the board of managers of the Republic; Mr. Theodore F. Chapin, superintendent of the Lyman School for Boys, Westboro, Mass.; Mr. Charles H. Bradley, superintendent of the Farm School, Thompson's Island, Boston, and Mrs. Julia E. Work, superintendent of the Work Orphans' Home, Plymouth, Ind.

At the general session of the committee on Juvenile Reformatories and Industrial Schools, Mr. Edwin P. Wentworth, superintendent of the State Reform School of Maine, will submit the report of the committee on the "Origin and Development of the Juvenile Reformatory." He will be followed by Mr. William G. Fairbank, superintendent of Connecticut Industrial School for Girls, in a paper on "Girls' Reformatories and Their Inherent Characteristics."

Besides the joint session with the committee on Destitute and Neglected Children already mentioned, there will be a meeting for women superintendents only, in charge of Mrs. L. U. de Bolt, superintendent of the Missouri Industrial Home for Girls, and Mrs. Elizabeth Clohan, superintendent of the West Virginia Industrial School for Girls. Simultaneously a meeting for men superintendents only, in charge of Mr. Lyman D. Drake, superintendent of the Missouri State Reform School, will be held.

Mr. Franklin H. Nibecker, superintendent of the House of Refuge, Glen Mills, Pa., will present a paper on "Some Inquiries Concerning the Mental Capacity of Juvenile Delinquents." The discussion on this paper will be opened by Mrs. Lucy N. Sickles, superintendent of the Michigan Industrial Home for Girls.

"Alcohol as a Cause for Degeneracy" will be presented by Mrs. Ophelia L. Amigh, superintendent of the Illinois Home for Juvenile Female Offenders. The discussion at this meeting will be opened by Mrs. Elizabeth Clohan.

"Expansion as Applied to Juvenile Reformatories" will be presented by Mr. C. D. Hilles, superintendent of the Boys' Industrial School, Lancaster, Ohio.

A paper will be read by Mr. Ira Otterson, superintendent of the New Jersey Reform School, and will be discussed by the section.

Miss Zilpha D. Smith, general secretary of the Associated Charities of Boston, is chairman of the committee on "Needy Families in their Homes." The general session of the committee will be opened by the chairman, Mr. Jeffrey R. Brackett, president of Department of Charities and Correction of Baltimore, who will speak on "Present Opportunities for Training in Charitable Work." He will be followed by Mr. John Graham Brooks, of Cambridge, Mass., in a paper on "Some Problems of the Family."

This committee will have three section meetings. At one "Co-operation" will be spoken of by Miss Mary E. Richmond, general secretary of the Society for Organizing Charity of Philadelphia. At another, Dr. Lee K. Frankel, superintendent of the United Hebrew Charities of New York, will speak on "Unusual Forms of Relief." The third session will be devoted to "Friendly Visiting." A number of friendly visitors, each representing a different society, will tell of personal experiences in visiting among the poor.

The program of the general session of the committee on the "Insane" will include the report of the committee by George F. Keene, M. D., superintendent of Rhode Island Hospital for Insane, on "Public Policy in Treatment of the Insane during the Nineteenth Century," and there will be papers by A. B. Richardson, M. D., superintendent of the United States Hospital for Insane, Washington, D. C., on "What Should be the Legal Requirements for the Commitment of Insane Persons to Hospitals for the Treatment of their Disease," and by L. Pierce Clark, M. D., of Craig Colony, New York, on "Some Suggestions for Colonies and Psychopathic Hospitals for the Insane." There will probably also be a second meeting of this committee.

At the general session of the committee on Care of Feeble-Minded and Epileptics, W. L. Polglase, M. D., superintendent of the Michigan Home for Feeble-Minded and Epileptics, chairman of the committee, will report on the "Evolution of the Care of the Feeble-Minded and Epileptics during the Nineteenth Century." There will be papers by A. C. Rogers, M. D., superintendent of the Minnesota School for Feeble-Minded, on "Legal Restrictions on the Marriage of the Unfit," and by Margaret Bancroft, of the Training School for the Feeble-Minded, Haddonfield, N. J., on "Classification of the Mentally Deficient.

The report of the committee on Treatment of the Criminal will be presented by its chairman, Mr. Charlton T. Lewis, president of the

New York Prison Association. The subject of the report will be "How the State ought to Deal with Crime."

The report of the committee on Legislation Concerning Charities will be presented by Professor W. W. Folwell, of the University of Minnesota. Its subject will be "Consideration of Causes and of the Relative Value of National and State Legislation." The report will be discussed by Frederick H. Wines, LL. D., Mr. Edward T. Devine, general secretary of the New York Charity Organization Society, and Professor Frank A. Fetter, of Cornell University.

Professor Frank A. Fetter, chairman of the committee on "Division of Work between Public and Private Charity," is engaged in a careful study of the laws and practice of different states with regard to the granting of public subsidies to private charities. His report will be submitted at the general session of the committee. He will be followed by one or two other experts on this subject. This committee will also have a section meeting on "The Respective Spheres of Public and Private Charity in Regard to Outdoor Relief."

The Columbian University has offered its buildings to the conference for its use.

The National Association for the Study of Epilepsy, of which William P. Letchworth, LL. D., is president, will hold its annual session in Washington on the afternoons of May 14 and 15.

Immediately after the adjournment of the conference the Association of Officers of American Institutions for Feeble-Minded will hold its annual session in Baltimore.

The Cuban Orphan Society.—The second report of the Cuban Orphan Society, written by the secretary, Miss Laura D. Gill, who is the new dean of Barnard College, presents an interesting account of the work accomplished by that society during the past year. The problem which the society encountered divides itself into three sections: First, the condition of the very poor half-orphans under six years of age; second, the condition of the same class of children between the ages of six and fourteen; third, the preparation of these children for self-support, and an intelligent response to the duties of maturity. For the class of children first mentioned, kindergartens are maintained in three provinces, which provide accommodations for about two hundred children. The state now provides instruction for the second group of children; though school attendance is compulsory, the law cannot be rigorously enforced because many of the parents are too poor to provide even the necessary clothing for their children. But little has yet been done to provide technical training for the third group, though a beginning has been made at Matanzas. A summariza-

tion of the work of the society shows that 777 persons are now receiving instruction through its efforts.

Care of the Insane.—The *Charities Review* calls attention to the uniformity of method and of origin in the revival movements for improved care of the insane in various states. Recently New Hampshire has been awakened to the conception that neglect of the insane is abuse, and that the insane in that commonwealth have been neglected. At the Third Conference of Charities, held in Concord, on March 13, the discussion of this subject engaged nearly its whole time, and became very animated. It was presented by addresses from an expert physician, a theologian, and a lawyer, but all agreed in the main to the chief fact stated above, and its remedy. The economic, the ethical and the medical phases of the question, as it is related to the present non-care of the insane in county almshouses, against enlightened care in state institutions, was well presented. They are, however, sufficiently true and well known to those acquainted with the history of state care in New York. The whole discussion was focused on state care for the insane, and it seems probable that New Hampshire will soon be added to the column of states which act on the principle that "if a thing is worth doing at all, it is worth doing well." It seems probable that the present movement is an outgrowth of the inquiry which followed the burning of forty-five insane in the Strafford county almshouse a few years since.

Michigan, which is one of the banner states in its provision of charitable institutions for indigent defectives, is providing for a new state hospital for the insane.

Vacant Lot Cultivation in Philadelphia.—The fourth annual report of the Philadelphia Vacant Lots Cultivation Association records an interesting change in general policy, and also an interesting development of an allied method of providing employment. The latter is the raising of Belgian hares for their meat and fur. It is ascertained that from a trio of these hares it is possible to have in a year a family of between two and three hundred, each of which will weigh four or five pounds. The animals require little care and no food except the waste from the gardens, and a back yard provides all the space needed. The industry might not be suited to a city of tenement-houses, but where the wage-earner occupies an independent house, it would seem quite as practicable as vacant-lot farming.

The change of policy in the association, to which reference has been made, results from an improvement in industrial conditions since the time when potato-patch gardening was first inaugurated.

The report states that able-bodied men and women can now usually find work. But modern industry has little use for those who are not

able, strong and efficient. The opinion is justified, therefore, that there is need for work rather than almsgiving for a large number of aged persons, and those otherwise incapacitated for regular employment under modern conditions. The association has a permanent field of usefulness in bad and good times alike in administering to the needs of the aged, the weak and partially disabled, and its work should be especially adapted to their needs.

The Charities Chapter of the New Charter of the City of New York.—The New York Legislature has adopted the report of the Commission which has thoroughly revised the charter of Greater New York. Some changes have been made by committees of the two branches, but the provisions for a single-headed commission for the Department of Charities, for the establishment of a children's court, and for the creation of a new department of public hospitals, have been retained, together with the various minor changes affecting the Department of Charities, as reported by the Commission.

Women Wage-Earners in New York.—A committee appointed by the Alliance Employment Bureau of New York City has investigated seven different occupations for women wage-earners in that city. The results of the investigation are summed up as follows: First, the wages of unskilled labor are either stationary or sinking; second, there is plenty of room for skilled labor in dressmaking, stenography, and laundry work; third, the introduction of machinery has complex results, but, generally speaking, it reduces the wages paid to hand workers and temporarily raises the machine piece-work wages. The report of the committee expresses the conviction that the training of girls to become skilled wage-earners and the opening up of new occupations are the two practical means of advancing the interests of wage-earning women.

The Treatment of Consumptives.—The State of Texas has isolated her consumptive convicts. Wynne Farm, the site of this isolation hospital, is described as an ideal consumptive camp. On this farm no one is required to work beyond his strength, but all are required to go into the open air and sunshine when their strength admits of their leaving their beds. There are at present fifty-nine men in the camp, and they are reported to appear as the healthiest men among the convicts, although many of them were sent to the farm apparently in the last stages of consumption. If the principal object of imprisonment is reformation, this humane policy will be more likely to contribute to the desired end than that which has prevailed, for example, in Sing Sing Prison, where a sentence of prolonged imprisonment has come to be regarded as in effect a sentence to tuberculosis. The incident, however, is chiefly interesting as another indication of the

awakening interest in the possibility of stamping out the scourge of consumption.

In Illinois, on the other hand, an appreciable decrease in the death rate from tuberculosis has been brought about by isolation within the penitentiary.

Consumption has been placed on the list of contagious diseases by the Philadelphia Board of Health. Physicians must report to the health officer all cases and deaths. It is not the intention of the board to isolate victims of the disease; the work is to be purely educational. It will consist in offering advice in regard to precautionary methods. Medicines and disinfectants will be supplied to worthy poor patients.

The Board of Health of Boston, has lately adopted the ruling that tuberculosis is to be treated in the same manner as any contagious disease, and that patients suffering with tuberculosis may be removed from their homes by order of the Board of Health. A new building is about to be erected on Long Island in connection with the hospital there, which will be used chiefly for destitute persons suffering with this disease.

The Rocky Mountain Industrial Sanitarium has been incorporated in Colorado. It aims to be national in scope, and its purpose is to aid tuberculosis patients in poor or moderate circumstances who go to the mountain states in the hope that the climate will aid in effecting a cure, but who, either from lack of means or from lack of proper direction, are immediately placed under conditions which preclude improvement or recovery. The plan provides for the erection of a sanitarium about twenty miles from Denver, to be conducted as an industrial colony.

IV. COLONIES AND COLONIAL GOVERNMENT.

Germany.—The Annual Report on German Colonies and Protectorates, which has just appeared, indicates a total native population in these districts, exclusive of Kiaouchou, of about 10,700,000 with Europeans to the number of about 8,000. From the returns on the economic conditions of the colonies, it is apparent that in spite of the extensive construction of railways, bridges, roads, etc., which has been planned or is in course of execution, the colonies are only in the earliest stage of development. With that thoroughness which is characteristic of the German, the Imperial Government has established experimental agricultural stations in every colony. The natural produce of the country is studied with a view to its thorough commercial development. Fruits, nuts, fibrous plants, etc., from other parts of the world are also being introduced, and special efforts are made to establish and develop rubber, coffee and tobacco plantations. The German enterprises in Africa are subject to all the peculiar advantages and disadvantages of the German governmental system. The *Beamtentum*, with its self-sacrificing and well-disciplined, yet arbitrary and semi-military characteristics, has been established throughout the colonies. If conscientious, pains-taking effort can create a colonial system worth having, the Germans are in a fair way to succeed and, in the future, when the competition of nations shall be turned more directly toward the Continent of Africa, Germany will doubtless be found to have laid the foundations of a great colonial empire. At the present time, however, the German colonies are almost devoid of German population. Emigration from the Fatherland is flowing in more attractive channels, where it seems only to strengthen other nations than Germany. The German settlements in Asia-Minor, Mexico and South America are rapidly forming the basis of what might well become an important colonial system were it possible for the German political power to be extended over these territories. One cannot learn of the pains-taking efforts expended in Africa without wishing that a more favorable field might be opened to a people so admirably equipped for colonization.

Philippines.—The Division of Insular Affairs of the War Department has recently compiled the most important information dealing with the peoples of the Philippines. The material is taken from various sources and is highly interesting. The islands seem to have been subject to successive waves of immigration from the mainland, each wave leaving a different racial stratum, according to the origin of the immigrants. Over all the islands may be found what is sup-

posed to be the aboriginal race, or Negritos. They represent a very low type of development. The most highly developed of the native races are the Tagals and Visayans, both of which have been "domesticated" or semi-civilized under Spanish influence. The Chinese form a very important element in the foreign population. Their economic instincts are most acute, and they have accordingly amassed immense wealth in a country where the natives live from hand to mouth. As a consequence of this prosperity the Chinese have always been unpopular and numerous wholesale massacres of the Chinese are reported.

A curious element in the native population is the race known as the Moros, who are supposed to have descended from the Mussulmen of Borneo. From that island they brought their religion and customs, notably slavery and polygamy. They have for centuries controlled the Zulu Islands and large portions of the Island of Mindanao. Numerous attempts had been made by the Spanish to subdue the Moros and to convert them to Christianity, but without success. The number of Europeans in the Philippines is comparatively small. The Spaniards have never settled in the islands to any great extent. Up to the time of the American occupation there were a few English and Germans.

The imports into the islands for the eight months ending August, 1900, were \$14,580,457, as compared with \$12,270,163 for a similar period in 1899; exports for the eight months ending August, 1900, \$15,928,015, as compared with \$10,391,286 for a similar period in 1899. Of the imports \$1,340,717 came from the United States; of the exports, \$1,954,531 went to the United States. England still has the largest trade of any individual country with the Philippines, the totals amounting to more than double the figures for the United States, both in imports and exports.

Cuba.—The Constitutional Convention has avoided any final decision in the acceptance or rejection of the Platt Amendment. A commission of five members, appointed to confer with the President of the United States in reference to the relations of the two countries, has visited Washington and conferred with the Administration, as well as the committeemen of both houses of Congress. The radical element in the convention is still in control, but is beginning to split up into factions.

The commerce of Cuba still shows a healthy increase in volume. Owing to a misunderstanding, by certain press correspondents, of the information communicated by the Division of Insular Affairs of the War Department, the impression is spread abroad that Cuban commerce is declining. This is only true of the imports and exports of

gold and silver, not of merchandise. Following is a statement of the figures for merchandise furnished by the division for the first nine months of 1899 and 1900, respectively:

IMPORTS FROM ALL COUNTRIES.

1899	\$46,833,122
1900	49,701,998

An increase of six per cent in favor of 1900.

EXPORTS TO ALL COUNTRIES.

1899	\$38,672,146
1900	38,020,038

The principal item of decrease in the export column occurs in the trade with Spain:

EXPORTS TO SPAIN.

For nine months ending September, 1899 . .	\$2,788,078
For nine months ending September, 1900 . .	770,456

The Cuban trade with the United States seems to be slowly increasing. Eliminating the coin shipments the imports from the United States to Cuba have gained \$298,611 for the first nine months of 1900 over a similar period in 1899. The exports from Cuba to the United States have decreased \$6,835,750. This is to be accounted for by the fact that a greater part of tobacco shipped by Europe is sent via New York. In the returns of 1899 no distinction was made with reference to the destination of the commodity; whereas in the returns of 1900 a large portion of this amount has been set down to European account.

The Canadian-American syndicate, recently formed for the purpose of developing the transportation facilities of Cuba, has secured nearly all the property and rights necessary for a road running the entire length of the island. Owing to the so-called Foraker law, which prohibited the granting of franchises in Cuba by the American government, it has been necessary for the company to purchase outright several long strips of territory.

Ship Subsidies for Colonial Routes.—Since the first of the year two interesting experiments have been made by England and Germany respectively in the furtherance of their colonial interests. Germany has subsidized an important line of steamships plying between Hamburg and her African possessions. The subsidy will enable ships to leave Hamburg every two weeks, one vessel passing through the Mediterranean and around Africa, the other passing down the west coast of Africa and up through the Red Sea, returning by the Mediterranean. The steamers are to be built in Germany, and German trade is to have preference over that of foreign countries in

making up the cargoes. Employees and agents of the company are to be German subjects. It is expected that by giving a more frequent service, and perhaps lower freights, the conditions of trade with the African colonies will be rendered more favorable.

The new English subsidy is intended to alleviate the depressed economic conditions of the West Indies, particularly of Jamaica. Owing to the increasing competition of beet sugar with the West Indian cane sugar, the British West Indies have been steadily sinking in importance. Political discontent has also developed, and in 1899 an acute crisis arose in the Jamaican Legislative Council, the elected members refusing to vote the budget on account of the poverty of the country. The home authorities, understanding that the political troubles are of economic origin, have determined to extend the market for Jamaican and West Indian fruits. It is thought that the new ship-subsidy will enable West Indian planters to dispose of their products in the English market. A contract has therefore been made with a prominent shipping firm for regular sailings between Bristol and West Indian ports, the expense of the subsidy to be borne partly by the imperial and partly by the colonial governments.

V. INDUSTRY AND COMMERCE.

World's Demand for Timber and Supply.¹—The imports of timber by the principal nations were as follows: During the last five years the average importation by Great Britain was 84,720,000 cubic feet of timber—99 per cent of its total consumption. Germany, in 1898, imported, net, 317,700,000 cubic feet, or 24 per cent of its total consumption; France, during the last five years, has imported, net, 105,900,000 cubic feet, or 33 per cent of the total consumption; Belgium, 63,540,000 cubic feet, or 47 per cent of its total consumption; Switzerland, 49,420,000 cubic feet, or 35 per cent of its total consumption. A population of 215,000,000 in middle, western and southern Europe imports from 12.3 to 14.1 billion cubic feet of timber, produced on 25 to 50 million acres of forest land. The exporting countries contribute to this supply as follows: Austria-Hungary, 249,040,000 cubic feet; Norway, 120,020,000 cubic feet; Sweden, 352,300,000 cubic feet; Russia, 416,540,000 cubic feet; United States, 116,490,000 cubic feet; Canada, 162,380,000 cubic feet. The price of timber is rapidly rising, and the supply fails to increase owing to widespread deforestation in new countries. Within fifty years there is likely to be a timber famine. There is little possibility of supplying the demand from tropical countries for two reasons: (1) the unsuitability of the tropical woods to serve as substitutes for conifers and hard woods; (2) the rapidity of decay. A thoroughgoing and widespread reforestation is the only remedy.

Competition with the United States Steel Corporation.—The formation of the United States Steel Corporation has caused some question as to the extent to which the new company would be able to monopolize the iron and steel trade. The following list of large independent companies in the territory covered by the United States Steel Corporation is instructive. The list is taken from the *Iron Age*, of February 14, 1901. It indicates the general nature of the independent enterprises, and shows also the extent to which each controls the production of its raw materials:

PLANTS IN CENTRAL WEST.

1. Jones & Laughlin, limited, Pittsburg. Practically self-contained. Produce steel billets, bars, structural material, light rails and specialties.

¹ Condensation of paper read before International Congress of Sylviculture at the Paris Exposition, on deficiency of wood production in the world. Raphael Zon, in "The Forester," March 15, 1901.

2. Republic Iron and Steel Company. Consolidation of bar mills; largely self-contained; owning some or producing some pig iron and making steel billets.

3. Otis Steel Company, Cleveland, Ohio. Steel plates; make their own steel.

4. Cambria Steel Company, Johnstown, Pa. Largely self-contained. Makers of steel rails, structural materials, bars and specialties.

5. Carbon Steel Company, Pittsburg. Makers of open-hearth steel and steel plates.

6. Wheeling Iron and Steel Company. Producers of pig iron and steel and different lines of finished products.

7. Oliver Iron and Steel Company, Cleveland. Bars and specialties.

8. Ashland Steel Company, Ashland, Ky. Have no ore; produce pig iron, steel, wire rods and wire products.

9. Sharon Steel Company, Sharon, Pa. Largely self-contained. New plant. Will produce pig iron, open-hearth steel, tin plate, sheets and hoops.

10. Crane Company, Chicago. Large manufacturers of pipe.

11. National Enameling and Stamping Company, Granite City, Illinois. Open-hearth plant; manufacture their own steel.

PLANTS IN EAST.

1. Lackawanna Iron and Steel Company, Scranton, Pa. Largely self-contained; manufacturers of steel rails and billets; are building a large steel and rail plant at Buffalo, N. Y., which will have a surplus of steel, and may be the nucleus of a series of independent enterprises.

2. Pennsylvania Steel Company, Steelton, Pa. Maryland Steel Company, Sparrow's Point, Md. Control ore mines in Cuba. No coke as yet. Produce necessary pig iron and steel; make rails, structural material and track material, furnish raw material to Central Iron and Steel Company, Harrisburg, Pa. Large producers of steel plates.

3. Bethlehem Steel Company, South Bethlehem, Pa. Steel makers, sellers of special billets, makers of armor, guns and high class-forgings.

4. Lukens Iron and Steel Company, Coatesville, Pa. Large producers of open-hearth steel and of steel plates.

5. Phoenix Iron Company, Phoenixville, Pa. Produce open-hearth steel, roll beams and shapes, and build bridges and buildings.

6. Reading Iron Company, Reading, Pa. Do not yet produce steel, large manufacturers of pipe.

7. Passaic Rolling Mill Company, Paterson, N. J. Manufacturers of steel for own purposes. Roll shapes and build bridges and buildings.

8. Tidewater Steel Company, Chester, Pa. Produce pig iron and steel.

9. Diamond State Steel Company, Wilmington, Del. Manufacturers of open-hearth steel, sellers of billets, manufacturers of bars, track material and plates.

10. American Iron and Steel Manufacturing Company, Lebanon, Pa. Produce no steel. Puddle iron, roll bars, make track material, bolts, nuts and rivets.

The *Iron Age* states that one-half the iron ore tonnage of the Lake Superior ranges is in the hands of the United States Steel Corporation, and that its present capacity for pig-iron production is about 6,200,000 tons, the total output of the United States. The new company, it should be added, controls between forty and fifty thousand acres of coal in the Connellsville region, which gives it a practical monopoly of this fuel. Improved processes, however, are rapidly increasing the output of coke from inferior coal, and this will tend to break down the monopoly which the Connellsville region has for so long enjoyed.

Recent Events in the Railway World.¹—Under the stimulus of the numerous extensive consolidations noted in these pages in March, the development of community of ownership in railway management has gone on apace during the few months just past, approaching steadily that control of all the large lines in a few hands which has been pointed out as the logical outcome of prevailing tendencies. Complaint has already been made by the heavy western shippers of freight that as one of the results of the division of railroad transportation into groups, each controlled by one banking house, it is now useless to make the rounds of the various railroad offices seeking concessions on shipments. Some railroad authorities think the increased revenue by reason of the abolition of rate-cutting, and because of a few small advances in tariffs, will amount to \$50,000,000 a year.

Foreshadowed in statements made shortly after Collis P. Huntington died, that his death would lead to rearrangements of the Pacific Coast railroad system of the most far-reaching kind, came the announcement in the first days of February that the Southern Pacific, with its 7,545 miles of road, had been bought by the Union Pacific. This may well be called the biggest thing of its kind in the railroad history of

¹ Contributed by Ferdinand H. Graser.

the country. In the combined system there are 15,000 miles of railroad, two Pacific Ocean lines, and one Atlantic Coast line, running from New York and New Orleans to Galveston. The original trans-continental road, from Omaha to Ogden and thence to San Francisco, becomes after thirty-two years from construction one single line, instead of the original two, Union Pacific and Central Pacific. The "community of ownership" between Union and Southern Pacific will do its work in the line of securing stability of rates, avoiding duplication of service, and opening the way to such economies in operation as experience may show to be feasible. The Harriman syndicate—the same controlling the Union and Southern Pacific—has also come into possession of the Missouri, Kansas & Texas Railway.

As a natural effect of this combination, arrangements are under consideration for a union in management of all the roads in the southwest controlled by George J. Gould. Such a union would embrace the Missouri Pacific, St. Louis & Iron Mountain, St. Louis Southwestern, Texas & Pacific, International & Great Northern, Wabash, Missouri, Texas & Pacific, Denver & Rio Grande, Rio Grande Western and Rio Grande Southern, Colorado Southern and Colorado Midland. If this is effected the whole will be placed under the direction of the Missouri Pacific. It has even been said that the Illinois Central, Chicago & Alton, Chicago & Southern Illinois, St. Louis & San Francisco, as well as the Kansas City Southern, will enter the great combination. The sum of \$300,000,000 would not be too high a capitalization for such an enterprise, stretching from the Gulf to the Northwest.

Those interested in the St. Louis & San Francisco have already purchased control of the Kansas City & Fort Scott, and the Kansas City, Memphis & Birmingham system, completing a line 3,002 miles long, of which the Memphis contributes 1,250 miles. The Memphis extends from Kansas City to Birmingham, Ala., with branch lines in Kansas and Missouri. The 'Frisco has lines from St. Louis and Kansas City and Ellsworth (Kans.) into Arkansas, Oklahoma, Indian Territory and Texas.

On January 30 the Southern Railway Company secured control of the Mobile & Ohio Railroad Company, thus gaining a short line from St. Louis and Cairo to the Gulf. The valuable terminals of the Mobile and Ohio, at Mobile, used in connection with those of the Southern, will enable the latter to develop traffic through that port to an extent which would not be practicable to either of the two lines operated separately; and the previous acquisition by the Southern of large and valuable terminals at East St. Louis will enable the Mobile & Ohio to develop business at and from the St. Louis gateway to an extent and in a

manner that would have been impossible with the terminals heretofore available. The Southern Railway now controls over 8,760 miles of lines, making it fifth in respect of mileage of the great railways of the world. It is now surpassed in this respect only by the New York Central, Pennsylvania, Canadian Pacific, and Southern Pacific.

Another ocean to ocean scheme is reported to be taking form. It involves two Chicago lines—the Grand Trunk and the Wisconsin Central—and provides for the Grand Trunk's assumption and control of the Wisconsin Central. This is the route in mind: Portland, Me., to Chicago, Grand Trunk; Chicago to Ashland, Wis., Wisconsin Central; Ashland to Duluth, Northern Pacific, or a new line; Duluth to Winnipeg, line to be projected.

The syndicate which controls the Toledo, St. Louis & Western Railway (the "Clover Leaf" road) and the Ohio Southern Railroad Company, is said to have secured an option on the Lima Northern, in order to provide a short line from Detroit to St. Louis by which the Canadian Pacific could reach St. Louis and be provided with admirable connections for the far West and Pacific Coast points, and by which Detroit could get its first direct connection with the bituminous fields of Ohio.

While official denial has been given to a report that the Chesapeake & Ohio will become an integral part of the Pennsylvania system by a lease of 999 years, the rumor has gained many believers on the exchanges. It is said further that within two years the Pennsylvania will be operating a new trunk line to the South, and running solid trains from Buffalo to Florida. It is stated that the idea is to establish a route to the South via Pittsburg, which will be 300 miles shorter than any other. The arrangement is understood to contemplate the running of through trains from Buffalo and Cleveland to Richmond and Norfolk, thus saving 340 miles from the long routes via Washington and Cincinnati.

Working to the establishment of a direct trunk line through Pittsburg as the main line to Chicago, the Baltimore & Ohio will build a cut-off from Smith's Ferry, Pa., to Canton, Ohio, sixty miles. This line will reduce the distance to Chicago twenty-eight miles, will avoid the heavy grades, and will triple the hauling capacity of trains.

Failing in their efforts to gain the Chicago, Milwaukee & St. Paul, the syndicate controlling the Northern Pacific and Great Northern has arranged a consolidation of the Chicago, Burlington & Quincy to its other interests.

Foreign Loans in the American Money Market.—The following table presents the foreign securities held by the New York Life Insurance Company at the beginning of the past year:

NAME OF SECURITY.	PAR VALUE.
Austria, 4 per cent	\$2,459,142 00
Brazilian gold, 1867	50,000 00
Bulgarian Fr. Rentes, 1893, 3½ per cent	18,335 00
Bremen, Germany, 3½ per cent	119,000 00
Cuba, loan of 1890, 5 per cent	28,950 00
Havana Treas., Cuba, 6 per cent	25,298 73
Hungarian gold, 4 per cent, 1887	100,250 00
Italian, 4¼ per cent, 4½ per cent, 5 per cent	1,115,420 34
Lucerne, Switzerland, 4 per cent	77,220 60
Russian State No. Agrarian Bank, 4 per cent	2,778,450 00
Russian Consolidated Int. Railway, 4½ per cent	40,700 90
Russian Nicholas Railway, 4 per cent	95,200 00
Rus. Mos. Jar & H. Railway, 4 per cent	215,394 00
Rus. Mos. Kazan Railway, 4 per cent	154,800 00
Rus. Riasan-Oural Railway, 4 per cent	346,052 00
Rus. Chi. East. Railway, 4 per cent	43,250 00
Russian State rentes, 4 per cent	327,800 00
Russian-Moscow-Riasan, 4 per cent	12,495 00
Russian Moscow, Windau & Rybinsk, 4 per cent	688,891 00
Russian Rybinsk Railway, 4 per cent	29,036 00
Russian Southeastern Railway, 4 per cent	46,291 00
Servia State loan, 4 per cent	7,816 00
Swiss loans of 1883, 3¼ per cent; 1889, 3¼ per cent; 1897, 3 per cent	20,265 00
Swedish State, 3½ per cent	95,200 00
U. S. of Mex. Ext. Con. g., 5 per cent	485,000 00
U. S. of Mex. Int. Dbt. Con., 5 per cent	28,571 43
Urey, Switzerland, 4 per cent, 1904	159,225 00
Wurtemberg State, 3½ per cent	45,220 00
Total	\$9,613,274 00

Most of these investments are explained by the fact that the American life insurance companies are doing business in other parts of the world, but no matter for what reason they have been acquired, the fact remains that they are large creditors of foreign governments and foreign railways. The United States is rapidly improving her position as a factor in the world's money markets.¹

Chicago Building Trades' Dispute.²—February 6, 1901, witnessed the collapse of the Chicago building trades' organization which had for two years controlled the labor situation in the building trades. This result was due to the efforts of the contractors' organization, formed to resist the encroachments of the unions. The situation which led up to this conflict between the two organizations illustrates

¹ Figures taken from *United States Investor*.

² Condensed from *The Metal Worker*.

the possibilities for evil of militant trades-unionism, and has given the United States a concrete illustration of the handicap under which our English competitors have labored. The Building Trades' Council included in its organization practically the entire membership of the various labor organizations in the building trades. It began by making some moderate demands upon certain contractors and enforcing these by the method of sympathetic strikes. The uniform success of these early movements encouraged the leaders of the building trades' council to more radical action. The conservative element was forced to the rear and the organization was launched upon a career of the most obstreperous tyranny.

The first sign of the new spirit was a general lightening of the restrictions upon membership in the various unions. Many of the unions made the membership fee so large as to amount to practical prohibition and some even went so far as to specifically prohibit for a term of years any increase in their membership. The next step in the program of "making work" was to prohibit the use of machinery to cut-stone contractors. At one time machinery to the value of \$110,000 was lying idle in their yards. The Building Trades' Council next went for the man who was doing too much work. The plumber was restricted to so many fixtures in a day, the gas-fitter to so many feet of pipe, the lather to so many bundles of lath and the bricklayer to so many bricks, in each case the maximum being far below an average man's capacity. In one case, during the construction of the Merchants' Loan Building, a boss plumber, working according to union rules, did in eight hours' continuous labor four days' work. In the enforcement of these restrictions the council employed very freely the weapon of the sympathetic strike, until contractors were entirely uncertain as to the time within which they would be able to finish a building once undertaken. The construction of the Montgomery Ward building was interrupted by twenty sympathetic strikes. Some of the causes of these strikes were as follows: Because a mason spread his mortar with a shovel instead of a trowel; because the soft-stone cutter did hard-stone cutters' work; because the carpenter did the iron man's work; because a carpenter sharpened his tools in his own time instead of the boss's; because a boiler was made in a non-union shop; because the boss hurried his men along; because an employer discharged an incompetent man; because an employer would not pay railroad fare out of town; because an employer was late on pay-day. The result of this "make-work" policy on the part of the unions was that in 1899 the total value of the buildings constructed in Chicago was \$20,000,000, although the amount normally demanded was \$50,000,000. The contractors were afraid to undertake a piece of work,

being in complete uncertainty as to the date of its completion. When the situation had become intolerable, the contractors formed an organization to resist. They imported large numbers of non-union men, and, in spite of the passivity of the police, gave them protection. The council held out for a year, during which time its membership declined from 40,000 to 4,000, but finally yielded on February 6, 1901, and permitted its men to work under the rules adopted by the contractors' organization, which were as follows:

1. There shall be no limitation to the amount of work a man can perform during his working day.
2. There shall be no limitations placed upon the use of machinery or tools.
3. There shall be no restriction of the use of any manufactured material.
4. No person shall have the right to interfere with any workman during working hours.
5. The use of apprentices shall not be prohibited.
6. The foreman shall be the agent of the employer.
7. All workmen shall be at liberty to work for whom they see fit.
8. All employers shall be at liberty to employ and discharge whom they see fit.

The necessity for rules such as these, most of which are plainly dictated by simple common sense, shows the extent of the evil from which the Chicago building trades have suffered and gives a new warning against the dangers of militant trades-unionism.

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ABBREVIATIONS.—In the Index the following abbreviations have been used: *pap.*, principal paper by the person named; *ed.*, editorial by the person named; *com.*, communication, by the person named; *b.*, review of book of which the person named is the author; *n.*, note by person named; *r.*, review by the person named; *p. n.*, personal note on the person named.

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MASSACHUSETTS LABOR LEGISLATION

AN HISTORICAL AND CRITICAL
STUDY

BY
SARAH SCOVILL WHITTELEY PH. D.

WITH
AN INTRODUCTION
BY
ARTHUR TWINING HADLEY

President of Yale University

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INTRODUCTION.

Amid the many things which are valuable in the earlier reports of the Massachusetts Labor Bureau, none possess more permanent importance than the dispassionate analyses of the effects of labor laws which were prepared by Colonel Wright and his associates. The investigation of the workings of the ten-hour law in Massachusetts mills is a historic example of economic study which is as good as anything of its kind that has been done in the United States. But in more recent years the work of the Massachusetts Bureau has run in somewhat different channels. It has been to some degree crowded out of the fields of legislative investigation by the mass of purely statistical work which has been entrusted to its charge. And while the activity of its former chief is continued in his work as the head of the United States Bureau of Labor, the very breadth of the investigations which he is conducting forbids that complete treatment of any one field of legislation which was possible in his earlier labors.

Under these circumstances, the economic effects of Massachusetts labor legislation as they had worked themselves out in recent years seemed an appropriate subject for a thesis for the degree of Doctor of Philosophy at Yale. In her treatment of this theme Miss Whittelsey has presented the subject under three distinct aspects: an analysis, a history,

and a criticism. Her analysis shows what is the present condition of the Massachusetts statute books on the various subjects connected with labor. The history shows when these statutes were passed, and what were the motives and causes which led to their passage. The criticism undertakes to show what have been the effects, economic, social and moral, of the various forms of statutory regulation.

In a field of this kind it is hardly to be expected that the results will be startling. If they were, the method and the impartiality of the thesis would be open to great distrust. It is for the serious student of legislation rather than for the doctrinaire or the agitator that a painstaking criticism of this kind is intended. It has special value at the present day, when so many other states are following the example of Massachusetts in this line, and when there is a tendency to introduce similar methods of regulation into other departments of economic life besides those which are involved in the contract between the employer and the wage earner. Whether this tendency is to be regarded as a good or an evil thing is a matter of opinion on which thoughtful men differ; but there can be no question among thoughtful men of all parties that the maximum of good and the minimum of evil are to be obtained by studying dispassionately the results of past experience before we make experiments in new fields.

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PREFACE.

In labor legislation Massachusetts leads American experiment and calls upon sister States to follow her example. Does her accomplishment warrant this? The question is of practical moment, and offers the student of economic theory an attractive field for scientific investigation. In how far has this legislation been in accordance with the teachings of economic theory? It is the object of the present work to state such facts in regard to the history and effects of these laws as could be disentangled from the network of party strife that envelops the subject; to review them critically, and, guarding against the inaccuracy of too sweeping generalization from limited data, to draw such conclusions as are warranted by the study presented.

The special thanks of the writer are due to the Hon. Carroll D. Wright for courtesies extended; to President Hadley, Mr. F. J. Stimson, of Boston, and the Rev. Newman Smyth, of New Haven, for their valuable assistance in advice and criticism; and to others for their kindness in aiding to secure material for the work.

CHAPTER I.

HISTORICAL SKETCH OF THE LABOR LAWS OF MASSACHUSETTS.

Child Labor—Hours of Labor—Safety and Sanitation—Inspection—The Employment Contract—Wage Payment—Arbitration.

Before 1830 there were no distinct labor laws in Massachusetts. The laws enacted from 1830 to 1867 were avowedly faulty, hastily constructed, and unenforcible as placed upon the statute books. They seem to have been intended rather to still the clamor of labor agitators—then forcing the claims of labor upon public attention—than as any serious effort to correct the evils in the labor situation. In reading them, one is painfully impressed by the too evident lack of any earnestness of purpose or care in their formulation. Lest, however, the rigor of these statements meets with objection, let us call in evidence the enactments themselves.

Early Child Labor Laws.

Child labor, here, as in England, was the first aspect of the labor question to receive attention; nor does it need argument to convince that the conditions which prevailed demanded reform.

In 1836 an act (c. 245) was passed concerning the employment and schooling of laboring children, which was successively amended in 1838 (c. 107); 1842 (c. 60); 1849 (c. 220); 1855 (c. 379), and 1858 (c. 83), and embodied in c. 42 of the General Statutes. This provided, in outline, as follows: ¹ Three months of schooling shall be given to children under fifteen years of age in manufacturing establishments, the employer being under a penalty of \$50.00 fine for violations (1836, c. 245). A sworn certificate of school attendance shall release him from this liability (1838, c. 107). Children under twelve years of age shall not be employed longer than ten hours a day. The School Committee shall prosecute violations of the child labor laws (1842, c. 60). In 1849 (c. 220) the annual schooling requirement, was eleven weeks, which was increased to eighteen in 1858 (c. 83). Also as the pre-requisite of employment the child must have passed the prescribed period in the schools "during the twelve months next preceding" the time of employment. Although this clause was stricken out by amendment (1855, c. 379) it appeared again in the General Statutes, which at the same time omitted the provision concerning certificates, a significant illustration of the careless fashion with which these laws were habitually treated. That such codification or omission from the codification made the slightest practical difference the reader is not to suppose, for in either case they were simply dead letters upon the statute books and stood at best for the ineffectual recognition of a social need, a cold statement of prevailing social sentiment.

Law of 1867.—Even at a time when more attention was given to these matters, we find laws almost as faulty as their less earnest predecessors. A measure was passed in 1866 concerning the employment of children, but was soon modified by lessened requirements in 1867 (c. 285). This latter act long stood as "the sole factory law of the common-

¹ Cf. Digest: Child Labor, Age and Education.

wealth," and is worthy of study as a sample of the "improved" legislation of that day. It provided, (1) that no child should be employed under the age of ten years; (2) that if employed between the ages of ten and fifteen years, the child should have had at least three months' schooling during the preceding year, if he had lived within the state during the preceding six months; (3) that no child under fifteen years should be employed longer than sixty hours in one week. The law applied to manufacturing and mechanical establishments, and was enforceable against "owner, agent, superintendent or overseer" who "knowingly employs or permits to be employed," and against "parent or guardian who allows or consents." A penalty of \$50.00 was imposed for violation, and the constable of the commonwealth was required to detail *one* deputy to enforce the law. "The gathering of valuable information and preparation of statistics" was "the chief duty of this special deputy" according to the constable's next report.

This law thus gave no power, (1) to secure evidence; or (2) to enter where refused.

(3) It contained no provision for prosecution;

(4) It provided no means for determining age or school attendance;

(5) It specified by title parties liable, in such a way that, by proving himself only a "contractor," a guilty employer escaped penalty;¹

(6) It left an open way of escape also through the word "knowingly";

(7) It detailed a force (one deputy) entirely insufficient to the task of inspection and enforcement. If proof, beyond the reading of such a law, were necessary to indicate its uselessness, it is not lacking in the reports of the new Bureau of Statistics of Labor (1870), where it is plainly called a "dead letter" (p. 197). There is much evidence from other sources to corroborate the statement. Evidence of the viola-

¹ Report of the Massachusetts Bureau of Statistics of Labor, 1870, pp. 137, 158.

tion of "all" provisions of the law was submitted in quantity to the legislature, but no case of successful prosecution was found. In 1873 the complaint went forth: "We permit by sheer and unpardonable neglect an educational compulsory law to go wholly unenforced, and we elevate to the position of law-makers some who are law-breakers of the very statute, now become a statute of words only, with its provisions neglected and its penalties disregarded."¹ Exceptions of conformity at Fall River, Salem, New Bedford and Springfield are noted with cheerfulness. No decisive action, however, was taken for some years.

Hours of Labor.

Meantime discussion of the situation was becoming more general. Labor leaders were vociferous and presented many bills, not only for reform in the administration of existing law, but for further restrictions. There was especially a strong agitation for curtailment of the hours of labor for women and minors. In answer to this constant importunity, commissions were appointed, in 1865 and 1866, to investigate the subject of hours of labor in relation to prevailing conditions among the working classes. These reported against a short-hour measure, and the only concession made to the demand for reform was the establishment of the Bureau of Statistics of Labor in 1869. The appointment of such a bureau had also been the recommendation of previous commissions.

Ten-hour Law of 1874.—Not until 1874 did the movement for shorter hours issue in the enactment of the ten-hour law (1874, c. 221). This limited the labor of women and minors (under eighteen years) to ten hours per day, except to make good time lost in a stoppage for repair within the same week, or when it was designed to give one short day's work. In no case were hours to exceed sixty per week. It applied to all manufacturing establishments, and willful

¹ Report of the Massachusetts Bureau of Statistics of Labor, 1873, p. 387.

employment—or acquiescence in the employment—of such women or minors, in violation of the statute, was punishable by fine (\$50.00), upon prosecution within a year. Apparently experience had not taught its lesson yet. The law of 1874 was “practically not in operation until 1879, when the word ‘willfully’ was stricken by c. 207 of that year.”¹

Again, though effort was made to prosecute offences—especially in several cases at Fall River—corporation lawyers found numerous reasons why complaints, as drafted, should be quashed, and purely formal arguments were sustained by the courts in the face of the best evidence of violation.² Lawyers interpreted the law as satisfied by sixty hours per week, regardless of how hours per day were distributed, and this added greatly to the difficulty of collecting evidence. It was impossible for any inspector to watch any woman for the whole of a week, and unless her own testimony corroborated, and filled out the time between the hours at which he had seen her at work, the case was lost. Sometimes, however, convictions were given upon such testimony.³ The fact is constantly brought out in the inspector’s reports, that a large number of operatives habitually ignored the law, which was framed for their benefit and at their request. Many of them steadily refused to give information or testimony touching violations. Ways of evading requirements were numerous. The time devoted to starting and stopping machinery was absurdly prolonged. Again, where a factory ran an eleven-hour day, each woman and child was required to leave for half an hour in each half day, but her neighbor tended two sets of machinery during her absence—“doubling up,” this was technically called.

¹ International Association of Factory Inspectors, Report of Convention, 1894, p. 65.

² The Statute of 1874 (c. 221), as amended by the Statute of 1880 (c. 194), applies only to persons who are “permanently therein (in the establishment) employed.” Complaint against a manufacturing corporation for violation in employing a certain woman, without having posted a printed notice in a conspicuous place in the room in which she was employed stating the number of hours’ work required of such persons on each day of the week—considered insufficient. *Commonwealth v. Osborn Mill*, 130 Mass. 33.

³ Mass. Department of Police Report of 1894, Inspection, p. 65.

Amendments.—To meet these evident defects in the operation of the act, a series of amendments were passed. In 1879 (c. 207) the word “willfully” was stricken out. In 1880 (c. 194) the posting of notices, stating daily hours of work, etc., was required, but this met with still further difficulty. Forms were, therefore, given out later from the police department (1886, c. 90) which required the additional statement of time allowed to start and stop machinery and time given for meals. These notices were also ordered to be posted in conspicuous places in the workrooms.

The necessity of more definite form and placement of notices had been made evident. For example, an early notice had been found illegibly written—without break between the words—on a card four or five inches square, and placed *over* the doorway. This was a compliance with law apparently considered to be a good joke on the inspector by the witty employer. A few similar cases publicly advertised—names and all—in Boston newspapers did more than successful prosecution to enforce these measures, not in themselves burdensome. The clause which required notices to include the time given to start and stop the machinery, however, proved worse than useless as an aid to enforcement. It made nothing more definite, and really gave encouragement to the abuse it attempted to check. This very grave defect was speedily remedied by the amendment of 1887 (c. 280), which required the statement of “the hours of commencing and stopping *work*, hours when time for meals begins and ends, or if exempted (St. 1887, c. 215)¹ the time, if any, allowed for meals.” In another clause also this act struck a telling blow at an evasion which had taxed the vigilance of the inspectors. The most trivial accident to machinery which, in itself might not have entailed appreciable loss of time had again and again been made the pretext for much lengthened overtime employment. This amendment, permitting overtime only when the stoppage lasted thirty

¹ See Digest: Hours of Labor, Meal Hours.

minutes or longer, and after a full, written report had been sent to the chief of police or inspector, brought the case to the attention of officers before violation was likely to be attempted, while the sinner who still evaded by rendering a false report had to face a more severe penalty if detected.

In 1883 (c. 157) the law had been extended, by amendment, to "mechanical and mercantile establishments," and hours of labor were again regulated in mercantile establishments by c. 275 of 1884, which also required posted notices and certificates showing the age of children employed.

In 1887 (cc. 215 and 330) meal hours for women and minors were carefully and, as it has proved, successfully regulated. The law of 1888 (c. 348) added a new restriction to prevent night work by children under fourteen years of age (from 7 p. m. to 6 a. m.), and an act of 1890 (c. 183) extended a similar measure to women and minors (10 p. m. to 6 a. m.).

Again in 1892 (c. 357) the hours of labor for women and minors in manufacturing and mechanical establishments were cut to fifty-eight per week, and the same reduction in hours has since been extended to those employed in mercantile establishments, with the reservation that the restriction shall not apply in retail shops during the month of December (1900, c. 378).

A recognized legal form of complaint, adopted in 1892 (c. 210), also greatly facilitated prosecution for offences and made the law "comparatively easy to enforce" and "generally obeyed."¹

Having so far digressed into the subject of hours of labor, it may be well to insert here the few other acts which relate thereto.

State Nine-hour Day.—In 1890 (c. 375), a nine-hour day was enacted for employees of the Commonwealth, which was extended to counties, cities and towns in 1891 (c. 350), and

¹ International Association of Factory Inspectors, Report of Convention, 1894, p. 66.

in 1893 (c. 406), to all manual labor under contracts made by, or on behalf of, the Commonwealth. The later statute of 1899 (c. 344) curtailing hours to eight per day, is optional, being dependent upon acceptance by a majority of the qualified voters of the town or city.

Street-car Hours.—In 1893 (c. 386) a special restriction also reduced hours for street-car conductors, motormen and drivers to a daily service of ten within twelve consecutive hours, and required that extra time—allowed on extraordinary occasions, such as holidays, etc.—should receive extra compensation.

Later Child Labor Laws.

Age and Schooling.—To return to the legal requirements concerning age and schooling of children. In 1876 (c. 52) the worthless "law of '67" was put aside in favor of a new one of the same tenor. This substituted twenty weeks for the three months' schooling requirement for children under fourteen years of age, and called for a certificate of school attendance as evidence. Children under ten years were of course barred from labor, as before. The law was made to cover mercantile and mechanical establishments as well as manufactories, and truant officers were assigned the duty of visiting these establishments and of reporting violations.

In 1878 (c. 257) certificates of birth and age of youths under sixteen years were required to be kept on file with the school certificates of those under fourteen. No children of school age were allowed to be employed during periods of public school session, unless they could both read and write English, and had received twenty weeks' schooling "during the year next preceding employment." The ambiguity of the wording of these laws gave inspectors much trouble, for the "year" was variously interpreted to mean school year, calendar year, or last twelve months and, since no special form of school certificate was prescribed, the most

inadequate and useless statements were submitted in good faith. For example the following enlightening information was thus collected :

.....1879.

This certifies that has complied with the law in regard to school attendance as I understand it.

.....

Chairman School Committee.

The person who signed this certificate evidently did not understand the law and probably meant to say so. Another certificate reads as follows :

.....1879.

This certifies that the following-named children have attended school the time required by law.

.....

Chairman School Committee.

Then follow the names of thirteen children employed in the mill, some of whom proved to be under ten years of age.

Another certificate says that "..... has been to school to me one year and a half and has been a good boy."

These certificates were not exceptional. Hundreds of similar ones were found on file all over the state.

Evasion of the law by parents was very common and difficult to provide against. One very successful way of obtaining the certificates desired was by persenting one child of the family—who was of age and description to pass the requirements—twice, at a sufficient interval, and so to take out two certificates under different names,—one to be given to the younger sister.¹

The enforcement of the educational provisions was also most discouragingly hindered by the growing numbers of

¹ International Association of Factory Inspectors, Report of Convention, pp. 67, 68.

French-Canadians and other foreigners entering Massachusetts factories.¹ This, and the better statistical returns, probably account for an apparent increase of illiteracy among minors over fourteen years of age, which was noted in the early eighties.

Again, in connection with these school laws, we have continued efforts to strengthen weaknesses, and to build up guards against the constant and costly leakage. A form of certificate was ordered to be prescribed by the State Board of Education, and to be approved by the attorney-general (1880, c. 137). Employment of those under twelve years during the hours of public school session was forbidden (1883, c. 224). And, since much practical difficulty was experienced in enforcing this hour requirement, days were substituted for hours, and no such employment was permitted at all during days of public school session (1885, c. 222).

Again, by c. 433 of 1887, every person who "regularly" employed a minor, of one year's residence in the State, unable to read and write English, yet not a regular attendant at day or evening school, was held liable to fine; subsequently (1891, c. 317) the word "regularly," another of those loopholes left by the careless legislator, was stricken out. At the same time (1887, c. 433) provision was made for the issuance of special certificates by the School Committee—for fixed periods of time—in cases where the strict observance of law worked hardship. The Committee was also required to post in three public places, a two weeks' notice of the opening of each term of the evening school. The public and evening school requirement was again and more clearly defined in 1889 (c. 135). It was chiefly for the benefit of these illiterate working minors that the duty of maintaining evening schools was originally imposed by statute upon every city of 10,000 inhabitants.

Notwithstanding these improvements, inspectors still com-

¹ Massachusetts Department of Police, Report of 1882, Inspection, p. 20.

plained that, in spite of certificates duly signed and religiously kept on file, children often appeared undersized for the age given.¹ The law was no sufficient check upon false statements by parents, and truant officers gave the matter little attention.

Enactments, in 1888 (c. 348), raised the age limit to thirteen years; limited night work, as noted above; gave power to the chief of police, with approval of the governor, to forbid employment of children under fourteen years in unhealthy occupations; dictated a legal form of school certificate, and employment ticket, which must be presented before the certificate should be signed; prescribed means of verifying statements of parents concerning age, etc., by reference to school census or papers of birth and baptism; and punished false statements with fine or imprisonment.

Still there was trouble with certificates. Employers often retained them when dismissing children, some thus securing a goodly stock against a time of need, until it was expressly stated, as a law with a penalty, that such certificate was the property of the child to whom it had been granted, and must be returned upon discharge (1890, c. 299).

Abuse in granting special permits to work also called for another clause appending a requirement of evening school attendance during such special employment, unless a physician's certificate showed physical inability to both work and study (1890, c. 48).

Other child-labor laws further limit their employment in particular occupations.

Peddling and Begging.—In connection with the body of license laws, c. 50 of the General Statutes incorporated a provision which authorized the mayor and aldermen or selectmen to restrict or license sales by minors.² This measure, however, waited twenty-five years for the needed

¹ Massachusetts Department of Police, Report of 1887, Inspection, p. 63.

² See also Public Statutes, c. 68, sec. 2.

reinforcement of a law which should hold those controlling or using children to beg or peddle responsible and penalize violations; while it was not until 1892 (c. 331) that the fact of independent violation by minors was recognized and dealt with by the direct imposition of a fine upon the young offender.

The headlong haste of these enterprising young business men, who wished to be first to bring their goods to a promising market, so often resulted in dreadful accidents to children who attempted to board street-cars, that an act was at last passed forbidding street-railway corporations to allow children under ten years of age to enter their cars for the purpose of peddling papers or other articles (1889, c. 229).

In Circuses, Shows, etc.—In another field of at least equal importance statutory regulation was tardier. In 1874, 1877 and 1880 laws were passed prohibiting license to circuses, shows, etc., where parts were taken by children under fifteen years of age (1874, c. 279), and "belonging to the public schools," when "in the opinion" of the board of licensers, such occupation endangered their moral or physical health (1880, c. 88). Persons controlling these children were bound to an observance of the law under penalty of \$200.00 fine, or six months' imprisonment (1877, c. 172).

Not to Operate Elevators.—In factories, or elsewhere, children under fourteen years of age must not clean dangerous machinery in motion or dangerously near to moving machinery (1887, c. 121). And again, the custody or operation of an elevator cannot be entrusted to minors under fifteen years (1890, c. 90).

We thus reach at last the codification of this body of laws in 1894 (c. 508), "an act regulating the employment of labor," which is substantially the law of to-day.

The Statute of 1898 (c. 494) is in the main a restatement of the provisions of c. 508, of 1894, except that it raised the age limit, debarring from employment in factory, workshop and mercantile establishments all children under fourteen

years of age, and imposed somewhat stricter conditions concerning certificates. So greatly had child labor already been reduced by the forerunners of this law, however, that Chief Wade estimates that its enforcement has displaced less than one hundred children.¹

Safety and Sanitation.

Conditions of safety and sanitation, as affecting labor, were not so early forced upon the attention of legislators. To-day, however, their regulation constitutes one of the most important chapters in the labor legislation of the state.

It was again labor agitators who first demanded action in this field. In 1874 the Bureau of Statistics of Labor made an investigation of the general provisions concerning safety, ventilation, etc., found in Massachusetts factories and considered it an appropriate field for legislative interference,² while the reports of factory inspectors drew attention to the large number of accidents occurring, which might have been prevented by the proper protection of machinery.

The first enactment was in 1877 (c. 214). It required dangerous machinery—belting, gearing, etc.—to be guarded; allowed only engines to be cleaned while in motion; and exacted the provision of stairways, fire-escapes, apparatus for extinguishing fire, doors opening outwards, and passage-ways kept clear of obstructions as preparation for the possible contingency of fire.

Without entering into details of these laws—which can be more profitably studied directly from the summary and table given below³—their general course of growth may be indicated as follows:

The requirements became continually more explicit and

¹ Massachusetts Department of Police Inspection, 1899, Report of, p. 15.

² Report of the Mass. Bureau of Statistics of Labor, 1874, pp. 112-156.

³ See Appendix "A."

stringent concerning the guarding of machinery, mode of egress, etc. Building certificates guaranteed more careful plans. Explosives obstructing ways and dangerous in case of fire were expressly dealt with in c. 137, Act of 1881. The too common habit of locking doors during the hours of labor was forbidden (1884, c. 52). Communication with the engine-room by bell or tube (1886, c. 173), or by appliance controlling the motive power (1890, c. 179), was exacted to provide against accident. Safety appliances were required for elevators, and where such were unsatisfactory to inspectors, the latter were ordered to post placards forbidding their use. Also, as already noted, children were forbidden to operate elevators (1890, c. 90).

The extension of these laws was urged, and aided in the accomplishment of practical results, by a continuous stream of common-sense criticism from all sides. Suggestions from inspectors especially, have not only brought out minor difficulties in the laws as passed, but have had some value in pointing out other dangers to be guarded against.

A recent development of life-protective regulations has been the provision of inspection for steam boilers and engines and the requirement that engineers and firemen who operate these shall be duly licensed. Statutes requiring license for the erection and use of furnaces, engines and boilers are, of course, of long standing in the Commonwealth, and the power to inspect these at will was also early bestowed upon the mayor and alderman or selectmen (1852, c. 191, and 1859, c. 259). Their growth was, however, very slow and their effectiveness limited. The statutes of 1895 (cc. 418 and 471) materially altered the situation. These transfer the responsibility of inspection from city officials to the state inspecting department, to which men specially fitted for the duties have been appointed; require the owners of an uninsured steam boiler to report its location and to hold an inspector's certificate testifying its condition to be satisfactory, and require the examination of engineers and of firemen be-

fore the license is issued to them, without which they may not operate any plant.¹

Special laws concerning cleanliness, general sanitation and ventilation of factories and workshops were also enacted, for the better health of operatives, in 1887 and 1888 (c. 103 and c. 305). These, at first concerned only with manufacturing establishments, were later extended, in so far as they were applicable, to mercantile and other industries.

Tenement Workshops.—Especially important is the present movement to regulate conditions in workshops where clothing is made. In addition to the ordinary requirements of the general sanitary laws concerning tenements, the Acts of 1891 (c. 357) and 1892 (c. 296) were passed especially to choke a growth which threatened to develop into that dread disease, the sweating system. These laws defined the workshop as "any house, room or place used as a dwelling and also for the purpose of making, altering, repairing or finishing for sale any ready-made coats, vests, trousers or overcoats, except by the family dwelling there"; and required the proprietor of such a shop to notify the chief of police of its location, of the nature of the work done, and of the number of his employees, in order that such premises and the garments made there might be kept under strict surveillance. It is perhaps needless to say that this invitation to advertise their business was not accepted by some of the more retiring employers, and a time consuming game of hide and seek has varied the routine of inspection. The law insisted that tenement-made goods should be labeled, and punished by a heavy fine any person "knowingly" offering such for sale unlabeled or falsely labeled; it also attempted to guard against the shipment to Massachusetts of infected or unclean clothing.²

Subsequent amendments made definitions clearer and required workers to obtain licenses from the police department

¹ For exceptions see : Digest, Safety and Sanitation ; Boilers.

² See Digest : Sanitation, Tenement Workshops.

before receiving employment. The Act of 1898 (c. 150), which is chiefly a restatement of those which went before, modified them very considerably in one point, that it *prohibited* work upon wearing apparel intended for sale "in any room or apartment in any tenement or dwelling," "*except* by the family dwelling there," while any family desiring to do this work must first procure a license, employers being forbidden to contract in any way with unlicensed workers. Exception was made in the case of a room or apartment "which is not used for living or sleeping purposes" nor connected with one so used and to which there is a separate outside entrance.

In the enforcement of these measures, the inspection department receives the co-operation and support of both state and local boards of health.

Inspection and Enforcement.

Concerning the enforcement of the factory laws, the varied and contradictory statements made in the reports of inspectors form an interesting, if not overprofitable, study. It may be taken for granted that the number of cases of violation are not there overstated.

Already, in our review of the statutes themselves, the chief points of difficulty have appeared somewhat in the amendments and extensions made. It must also be borne in mind that the enforcement of the earlier laws was much hindered by the insufficient number of police detailed to the work.

At first the unreliable mechanism of truant officers and local town or city officials was solely depended upon for inspection. Then, under new child-labor statutes, a single deputy was in each case detailed by the police department to aid enforcement (1866, c. 273; 1867, c. 285). The law of 1877 (c. 214), increasing the duties of factory inspection by regulations looking to the safety of employees, provided that members of the state detective department should act as inspectors of factories and public buildings, to report and

prosecute violations of this act as well as of other measures relative to the employment of women and minors. At the same time the power was bestowed which had long been sorely needed,—the right to enter and examine as their duties might require. It was however still claimed, with good reason, that it would take this force at least three years to visit Massachusetts' manufacturing and other establishments as required by law.¹ In 1879 (c. 305), the governor was authorized to appoint two regular inspectors from the police department.

Better administration was finally secured in 1888 (c. 113), by separating the detective and inspection forces—the inspectors then numbering ten. Since this date successive additions have raised their number to twenty-five. Their work is now apportioned by districts; and four inspectors, of whom two are women, are reserved for special duty as detailed. With the enactment of stringent steam-boiler inspection laws, a new department of boiler inspectors, now numbering ten, was created. Civil-service examinations became a requirement in the departments when Massachusetts government service in general fell under such regulation, so that the governor now makes his appointments from among those candidates who have successfully passed the prescribed examinations.

In early reports ignorance of the law, especially among local officials, was a common complaint. Cases, where restrictions upon child labor worked hardship, drew forth petitions for exceptions from city authorities and Boards of Charities.² At a time of business depression (1877) it was candidly admitted "I have made no effort to enforce this law (ten-hour law of 1874), contenting myself with notifying parties working over hours that they were liable under the law"³ There are scattered complaints of inattention, lax administration, "gross neglect," etc., on the part of truant of-

¹ Massachusetts Department of Police, Report of 1878, Inspection, p. 28.

² *Ibid.*, p. 29.

³ *Ibid.*, 1877, p. 21.

ficers. In 1880 the chief rather ruefully remarks, "it would afford me great pleasure if I could truthfully state that I found the laws relative to the employment of children in manufacturing establishments generally complied with." Yet the very next year, in another connection, such general compliance is broadly stated as already a fact (1881, p. 7). There seems to have been considerable difference in this matter between districts, compliance being more general where manufacturing interests were larger, richer and less pressed by competitors.

Notwithstanding discrepancies, such as the instance just noted, the reports, studied in succession, with special reference to the decrease in non-conformity, give sufficient evidence of progress.

Whereas in 1880 it was still "a common thing to find children under ten years at work in mills," within the decade such labor was reduced to comparatively few cases of violation, which grow steadily less. Even as regards school certificates there is general compliance to-day, and only scattering complaint. Some foreman has put children to work on promise of certificates not then presented; he also employs without certificates in vacations; some children still pass under false ages; a few illiterate minors have been found.¹

That there is a growing appreciation of the importance of the educational requirements is certainly indisputable, and it is Chief Wade's testimony that "no provision of the law in relation to children is more faithfully observed by employers than those requiring school attendance, and certificates to establish the fact."² Personal investigation in numerous factories, mills and shops has convinced the writer of the substantial accuracy of this characterization.

Enforcement of the short-hour laws met with much more open and decided opposition. Men who would have felt it

¹ Massachusetts Department of Police, Report of 1897, Inspection, p. 193.

² *Ibid.*, 1899, p. 9.

a shame to humanity and citizenship openly to oppose their penny's gain to just health and schooling requirements for children, here planted themselves firmly on grounds of economic necessity. The strongest possible interests ranged themselves against the ten-hour law.

Passed in 1874, the clause making willful violation alone punishable, vitiated its usefulness and left it little more than a threat, until the clause was stricken out, as already noted, in 1879. Then followed years of struggle in the courts and of greater struggle in the factories to obtain evidence from fearful or unwilling employees. Once in possession of such data, however, the amended law insured success to prosecution. Indeed it became only necessary to convince the employer that any evidence for prosecution was in hand to persuade him to compliance without process of law. We may concur with the statement of the chief constable, made in 1883: "It is certainly creditable to the managers of these vast industrial interests, that they have so generally complied with the statute¹ which has no parallel in the legislation of adjacent states."²

There is abundant evidence that the sixty-hour law had become a custom, hardly needing the inspector's supervision, well before the enactment of the fifty-eight-hour law. In itself, the very passage of that measure argues that the sixty-hour limit was no longer seriously opposed. Concerning this reduction also the report of 1897 affirmed that very few factories were working women and minors the full time allowed by law and that many notices called for "from two to four hours less."³ This may have been due in part, of course, to the business depression.

Measures for safety and sanitation in factories and elsewhere met, from the first, with readiest acceptance. Early inspection on these lines found an appalling neglect of precaution, and there was a good deal of grumbling at the

¹ Ten-hour law, Public Statutes, c. 74, §§ 4-5.

² Massachusetts Department of Police, Report of 1883, Inspection, p. 16.

³ *Ibid.*, 1897, p. 89.

requirements of old-maidish inspectors, who were often called upon to show much ingenuity to prove to skeptical proprietors that their "impossible orders" could be carried out. Such difficulties are, of course, still to be found in cases of old buildings, but compliance, so far as practicable, is general. The steady decrease of accidents from unguarded machinery is strong proof of this. All inspectors report factories to be in predominantly "good" sanitary condition. It is claimed that Massachusetts legislation and inspection in this regard are superior to England.

The most difficult task undertaken on these lines, and one hardly old enough yet to be justly criticised as ill-enforced, is the regulation of the tenement workshop. It was a tribute to the vigilance of inspectors that the special investigations made in 1898, by the Boston branch of the Consumer's League, resulted in convincing that body that the laws there were pretty well enforced, and that conditions compared especially favorably with those in New York.

It is curious to note the attitude of employers towards these labor laws. Invariably offering persistent opposition to the enactment of each new measure, even to the first safety requirements; they, nevertheless, fall one after another into line and obedience. Inspectors constantly attest their "cheerful spirit of compliance," and their general courteous treatment, even before the law gave inspectors explicit power to enter, investigate, etc.

The Employment Contract.

We have noted, in connection with the passage of the above measures, the presence of an organized body of labor strong enough to make its opinion respected by legislators. The Labor Union was indeed the antecedent cause of much of the labor legislation of the state.

As labor began to assume pretensions to organization, various unions sought to gain legal status through the special charters then granted at the option of the government. This

cumbrous method finally gave place in 1888 (c. 134) to a general law allowing the labor union to acquire the rights of an incorporated body.

During the whole course of this development, from the early, struggling, unrecognized gatherings of workmen to this later-day trade union, the interest and endeavor of labor organizations have been to win for labor recognition and protection under the employment contract. Not to education, nor to regulated hours, nor even to provisions for safety and sanitation has the adult male laborer put forth any claim, but solely to his rights under the labor contract. For these he has fought again and again.

To protect the individual, the law of 1875 (c. 211) forbade trade unionists to seek to prevent the employment of those not of their number; as did c. 330 of the Acts of 1892 the intimidation of workers by employers who desired to prevent them from joining labor organizations. The worker's entire freedom in voting was also early guarded (1849, c. 321); and time to vote assured to him (1887, c. 272).

The question which to-day stirs most discussion is the extent of the right of an employee to exact damages for bodily injuries sustained in service, or of the employer's liability.

The right of an employee to recover such compensation rested until 1887 solely upon the provision of the Common Law that a master is liable to his servant "only for his own negligence, and may relieve himself from liability by stipulating in an employment contract that he is not chargeable for injuries resulting from defects of machinery, etc., or by giving express notice of risks. He cannot, however, so excuse his own culpable negligence."¹ There is a penalty upon total disregard of the safety of workers.

In very many cases special contracts, exempting the employer from liability, were successfully used, until they were declared void by an Act of 1877 (c. 101). Cases of similar

¹ W. I. Taylor, *Employer's Liability*, pp. 27-28.

contracts, however, appear much later than this date, especially in out-of-the-way districts, where the ignorance of all parties effectually protected the employer.

In 1882 the Bureau of Labor was directed to investigate the question of employers' liability, and to report as to the necessity of legislation upon that subject in Massachusetts. The report made was substantially in favor of the enactment of measures similar to those of English laws. No action, however, was taken.

In 1886 (c. 260) a report of accidents occurring in factories or manufacturing establishments, and causing death or four days' detention from work, was required to be sent to the district police. Later (1890, c. 83) the regulation was extended to mercantile establishments and the chief of police was required to return written acknowledgment of the receipt of such report to the sender (1894, c. 481). The records annually published have since 1886 told a tale of grewsome interest. They expose an astonishing carelessness to danger on the part of workers, but they also teach in a most practically forcible way where the chief dangers to be guarded against lie. It is reassuring to note that successive reports show a considerable decrease in the number of cases where due protection might have prevented injury.

It can hardly be said that the long-striven-for statute defining the employer's liability for injury to his employee was, in the form in which it issued forth in 1887 (c. 270), altogether satisfactory to its originators. It provided that if an employee himself "exercising due care and diligence," be injured (1) through machinery defective on account of negligence of the employer, or his agent appointed to keep it in repair, while the employee was either ignorant of the defect or had given warning concerning it; (2) through negligence of the superintendent; or (3) through the negligence of one "in charge or control of any signal, switch, locomotive engine or train upon a railroad," the employee or his legal representative "shall have the same right of compensation and

remedies against the employer as if he had not been an employee."

In case of instantaneous death, the next of kin, "if dependent upon the wages of the deceased," may maintain an action for damages, as though the deceased had consciously suffered and not died instantaneously. The maximum damages allowed are \$4,000, or in case of death, which includes injury, \$500 to \$5,000, according to the culpability of the employer, and also with regard to the proportion which his contributions may bear to the whole of an employee's benefit fund. An amendment in 1888 (c. 155) also requires notice to be given to the employer signed by, or on behalf of, the injured man, such notice to be served, in case of death, by the administrator.

Wages.

Another most important item in the balance sheet of the employment contract is the rate of wages. On the side of wage protection there at once rises to mind the great mass of special wage lien laws, and exemptions of wages from attachments, taxes, etc. Such laws, in varying form, are of old standing and well-nigh universal; they serve simply to guarantee to the laborer wages rightfully earned, and do not claim our attention in the present study.

Laws of more importance for the economist to investigate are those which stipulate the period of payments, regulate fines, conditions of forfeiture, etc.

Among the earliest of these laws was one enacted in 1875 (c. 211), which provided that in any manufacturing establishment where the laborer was required to give notice before leaving under penalty of forfeiting any part of his wages earned, a similar penalty should be enforceable against the employer discharging without notice, except for incapacity or misconduct, or in case of a general suspension of labor, an exception which was stricken out in 1895 (c. 129).

It is stated that the demand for weekly payment originated about 1875 among the Fall River Unions, where the concession was refused by employers. These Unions did not rest until they had carried their object to fulfillment through the acts which now impose such payment upon all corporations and certain specified occupations.

The first law, that of 1879 (c. 138), applied only to city laborers. It was extended in 1886 (c. 87) to certain corporations, amendment after amendment steadily widening its scope until it became applicable to cities, municipal corporations, and incorporated counties, and, with limitations, to "any person or corporation in any manufacturing business," to "contractors," to those engaged "in any of the building trades, in quarries or mines, in public works, in construction or repair of railroads, street railways, roads, bridges, sewers, gas, water or electric-light works, and in laying pipes or lines."¹ To-day, therefore, this regulation affects a majority of the employees in the state.

Complaint of violation may be brought by the chief of district police or the inspector, and the only allowed defence is absence of, or claim against the employee; actual tender refused; and attachment or valid assignment of wages. But no assignment of wages, either directly or indirectly, to the corporation is valid (1887, c. 399), and payment of wages after complaint is brought is no defence (1891, c. 239). Finally, another addition to this series of amendments (1896, c. 241) forbids special contract as a means of exempting employers from the obligation of weekly payments.

Turning, with some curiosity, to the much debated regulation of fines, we see that Massachusetts statutes concern themselves only with such as are levied upon weavers for imperfect work. Fines, not to exceed actual damage, at first allowed in accordance with printed and posted lists, in cases of "willfulness, incapacity or negligence," and when discovered and shown to the weaver on the first examination

¹ See: Digest, Wage Payment.

of the goods (1887, c. 361), were, in 1891 (c. 125), entirely forbidden.

This overradical provision was pronounced by the court to be unconstitutional¹ and was consequently revoked the next year (1892, c. 410), when an act was substituted against the "grading" of weavers' wages, except for imperfections pointed out to the weaver, and by amounts agreed to by both parties.

Chapter 534 of the Acts of 1894 also added a regulation, in accord with these, that a printed ticket specifying work required, wages paid, etc., be given with each warp to weavers paid by the piece, cut or yard, and to frame-tenders, warpers and operatives paid by the pound. The occupier or manager of every textile factory was required also to post notices in every job workroom specifying in detail the character of each kind of work and the rates of compensation (1894, c. 144). With this data, workers could compute for themselves more accurately the wages due on their day's work.

Another law, which appears to have been passed in the interests of justice, enjoins deductions from the wages of women and minors or overtime work unremunerated at the regular rates, when such employees have been detained against their wills in the workrooms during a stoppage of machinery (1898, c. 505).

Arbitration.

Such questions as the rights of labor in employment, and as the amount of a just and fair wage, have been the cause of almost innumerable strikes and labor controversies. They suspend industrial processes and injure the laborer, the employer and the community, so that the adjustment of these disputes has become one of the most serious problems which confronts the state. Massachusetts has attempted to meet the situation by the establishment of boards of arbitration.

Before 1886 there was a system of local boards open to

¹ *Commonwealth v. Perry*, 155 Mass. 117.

the voluntary recourse of disputants. In 1886 (c. 263) a permanent State Board of three persons, appointees of the governor, was installed as a sort of court of appeal from decisions of the local boards. The local boards had had but little to do, but this court of appeal had even less. It therefore began to tender its services and in 1887 the legal right and duty of initiative was given, together with the ordinary court powers to subpoena witnesses, require papers, etc. The Board claims to have had little practical need to use these powers, for the necessary information has always been willingly brought. Acceptance of the intervention of the Board is, of course, still voluntary. "As a matter of fact, their work, even quantitatively considered, is entirely respectable."¹

¹ Cummings, *Indust. Arbitration*, *Qt. Jour. Econ.*, July, 1895, p. 359.

CHAPTER II.

ECONOMIC EFFECTS.

Effect upon Production—Effect upon Investment—Effect upon Wages—Effect upon Employment—Summary.

From this brief review of the laws enacted and the method of their enforcement, we turn now to a study of their economic effects. Here we encounter a bewildering number of absolutely contradictory statements, from which it is no easy task to disentangle a few facts.

Tax on Production.

Given this series of laws acting upon manufacturing interests, the first question before the economist is: Have they been a tax upon the productive power of Massachusetts?

The laws, as we have seen, deal with (1) Child Labor, (2) Hours of Labor for Women and Minors, (3) Sanitation and Safety, (4) The Employment Contract and the Employer's Liability for Injury to Employees, and (5) Wage Payments. Of these, we may disregard the expenses imposed by safety and sanitary requirements; for employers themselves recognize such as incumbent upon them, law or no law; while for many years now no complaints of injustice or caprice in the orders of inspectors have been made. It would also be idle calculation from the practical point of view to attempt to

place a money value upon the results of restrictions upon child labor, which, nevertheless, tend to narrow the supply of cheap workers. But the statutes concerning the employer's liability for injury sustained by an employee, the requirement of weekly wage payment, and, above all, the shortened hours of labor, have been loudly denounced as burdensome taxation and deserve careful consideration.

The first two regulations are of minor importance. Under the statute which extends and defines somewhat more broadly the common law principle of employer's liability, it has become very generally the custom to take out a new form of special accident insurance to cover the risk which these more definite obligations impose. This has, therefore, raised the manufacturers' fixed charges by an inconsiderable percentage. The law leaves decisions of fact largely to the jury, and while employers acknowledge the enactment to be commendable, they have had some reason for complaint on account of verdicts rendered more upon grounds of mercy toward the unfortunate than of justice to the responsible.

As regards the regulation of the method of paying wages, weekly payments have so increased the office work in many establishments that additional clerks have been required to perform it, and the old method of receipt taking has been abandoned as too time-consuming. There is advanced also the claim that business concerns are obliged to give long credits themselves on orders received, which make such weekly cash payments, on their part, decidedly inconvenient, if not actually burdensome.

These expenses appear, however, of but slight consideration when compared with the ever-resisted mandate of shortened hours of labor. The whole battle of the labor movement centres in this issue. On one side stands the claim that the increased efficiency, both in labor and management, the higher speed of machinery, etc., which are forced upon producers, fully compensate—and more than

compensate—for the loss of time. To this is opposed the charge that such legislation has already so taxed—without corresponding compensation—Massachusetts' manufacturers that they cannot compete with like industries in other places. Curtailment of hours tends to make fixed charges assume undue proportion; it effectually reduces the volume of machine output.

The facts adducible in support of these conflicting views may be briefly reviewed. The short-hour movement, as we saw, had been long gathering strength before it received legislative recognition in the ten-hour law of 1874. So determined had been the efforts of Fall River unions to secure the concession, that many of the mills there, rather than risk warfare at a profitable season, did institute a ten-hour system in 1867, which lived for some twenty-one months. These experiments furnished a few statistics bearing on the issue, which may be summarized as follows:

American Linen Company.

1868, 6 wks. 10 hrs.	average product, 32.23 yds. a loom	<i>per diem.</i>
1869, " " 11 " " " "	37.14 " " "	

Loss due to shorter day 10+ per cent.

Granite Mills.

1867, 10 hrs.	product, 3,861 pieces a week.
1869, 11 " " "	4,350 " "
1870, 11 " " "	4,356 " "

Loss due to shorter day 10+ per cent.

Union Mills.

1867 (304¾ days)	10 hrs. product, average 36,210 yds.	<i>per diem.</i>
1869 (208½ ") 11 " " "	39,984 " "	

Loss due to shorter day 10+ per cent.

Merchants' Manufacturing Company.

5 wks. 10 hrs.,	593 hands produced 1,125,000 yds.,	earned \$20,294.
5 " 11 " "	486 " " "	1,495,351 " " 21,441.90

11 hrs. running at reduced prices.

Loss due to shorter day 10+ per cent.

*Atlantic Mills, Lawrence.**First account.*

10 hours since 1867, increased speed, 5 per cent.
 Strict time regulations enforced.
 New machinery from time to time.
 First two years, product diminished 5 per cent.
 1871, stock at a low figure.
 Dividend small.¹

Second account.

10 hour system since 1867. Increased speed "a little."
 "At first" lost 5 per cent.
 After 1½ years, product "equal to what it had been under 11-hour system."
 1871, product as great as under 12-hour system.
 Same help, *machinery* and class of goods.

Mr. Dickinson shows no mill conducted on the eleven-hour system in the same class of goods doing any better than the "Atlantic Mills."²

In the matter of figures employers have the bookkeeper's advantage. The cases here cited do not at all exhaust the list which employers bring forward, whereas I have only been able to find one or two such examples given upon the other side. Nor have I seen these figures anywhere seriously questioned. It is noticeable, however, that the eleven-hour years chosen for comparison were not those which preceded, but in each case those which followed upon the ten-hour experiment. Such selection might suggest advantages in the later years of such improved machinery or methods as experience had shown to be useful. The margin of difference between the amounts allows some scope for reductions on this score, without very materially altering their bearing upon the point at issue. The action of the mill-owners was consistent with the figures when, after this experiment had been continued for twenty-two months, they

¹ Dickinson, M. F. J.—Argument *v.* Ten Hour Bill, 1871. Hearing before Legislative Labor Committee, p. 17 (Pamphlet).

² Cowley, C.—Argument for Petitioners, Ten Hour Bill, 1871. Hearing before Legislative Labor Committee, p. 5 (Pamphlet).

returned to the old hours. The evidence given prevailed to stave off legislative action for several years.

After the passage of the ten-hour law in 1874, we have again a period which ought to furnish some interesting comparative statistics. The difficulties of enforcement during the first part of this period have already been noted. Yet although inoperative over the state as a whole, inspectors had some opportunities to note the effects in cases of compliance. In his report for 1878, the Chief inserts an extract from the letter of a Massachusetts mill-owner as an example of the results which his department had observed.

"From the means of comparison we have (mills in Massachusetts and Connecticut with equal quality of machinery and the same grade of goods), we find the production of mills per set to be as the hours of labor; that is, a set of machinery running ten hours per day will not turn out more than ten-elevenths as many yards of the same grade of goods as one running eleven hours—but rather a small fraction less. . . . There is in Connecticut over Massachusetts a saving of \$2,157 per annum, or more than 9 per cent on expenses common to both mills. . . . In mills where longer hours reign there will be a small margin of profit when those of Massachusetts have none or are losing money."

The report goes on to say that a tour in Rhode Island and Connecticut showed manufacturers in these states to be using the most improved machinery and methods eleven hours daily with no apparent injury to the health of the operatives, being happy in their advantage over some Massachusetts competitors. The Chief in his report declares himself fearful of the consequences of the law if thoroughly enforced.

Examining a report a few years later, when efforts to enforce this measure were meeting with decidedly better success, we read: "Results have shown the wisdom of such legislation."¹ And again: "A mass of *facts* had been col-

¹ Massachusetts Police Report, Inspection, 1882, p. 15.

lected in this and other countries tending to show that no ultimate decrease of production or of profits thereon would follow if the number of hours were lessened; lapse of time has only strengthened these convictions."¹ A case is here also given of an unnamed manufacturer who reduced his time from sixty-six to sixty hours per week and "at the end of six months found his product increased nearly 10 per cent, and the quality of the work done more perfect."

In 1883, the Bureau of Statistics of Labor made a careful study of Profits and Earnings in Massachusetts, and drew a comparison between the years 1875 and 1880 on these lines.² The study concludes:

"Examination of the tables shows falling off in the percentage of gross profits in 1880 as compared with 1875. In this state this fall is 7.17 per cent; in Boston, 14.89 per cent; in the state, excluding Boston, 4.91 per cent. In the state in 1880 percentage of stock used had advanced 11.52 per cent; wages had been cut down 4.35 per cent; expenses had increased .02 per cent; and net profits had fallen off 7.19 per cent. In other words stock used cost 11.52 per cent more in 1880 than in 1875. To counterbalance this, wages were cut down 4.35 per cent and manufacturers lost 7.19 per cent, or 11.54 per cent. If we deduct increase in expenses, .02 per cent, we secure 11.52 per cent as net loss to employers and employees.

"Boston stock cost 18.29 per cent more in 1880 than in 1875; of this the employees bore 3.40 per cent, the employers 14.53 per cent, while 36 per cent was gained on expenses."³

We must not, of course, make the error of attributing this to short-hour legislation as a chief cause; nor in any event must too great weight be placed upon the testimony of such averages; nevertheless the figures are of interest, as they corroborate other authority.

¹ Massachusetts Police Report, Inspection, 1887, p. 18.

² Although passed in 1874, the ten hour law was not well in operation until after 1879.

³ Report of Massachusetts Bureau of Labor Statistics, 1883, p. 372. Profits and Earnings.

Continuing the search after evidence, we may add here a few later statements of comparative costs. These are taken after the reduction of hours in 1892 (c. 357) to fifty-eight weekly.

"A Rhode Island mill of two thousand looms can produce twenty thousand yards per week more of printed cloth than one in Massachusetts, as the difference between fifty-eight and sixty hours per week."¹

The Everett Mills have plants both in Massachusetts and Maine. Alike in equipment and grade of product and under identical management, the returns made were as follows:

In Maine, working eleven and a half hours per day, the mills earned a dividend at a time when the Massachusetts branch, working ten hours, was compelled to reorganize. Repeated comparisons all show that longer hours result in proportionally larger earnings.²

The Tremont and Suffolk Mills are in very close competition with the Nashua Mills of New Hampshire, and it was affirmed that the increased product of sixty hours per week (over fifty-eight) would mean to the former \$50,000 per annum.³

"Dividends of the Lowell Manufacturing Company for fifteen years, from 1881 to 1895, have averaged a trifle under 4 per cent. Money could not have been hired at that rate during the period."⁴

Southern mills opened by Northern capital, in several cases as "dependencies" of Massachusetts corporations, earned dividends upon their capital stock during 1897, while the Northern ones failed to do so.⁵

The cotton mills are the chief, but not the only complainers. The fifty-eight-hour requirement bears heavily

¹ Quoted from the Boston Commercial Bulletin, in Bulletin of Wool Manufacturing, September, 1895, p. 264, note.

² *Ibid.*, p. 266.

³ A. S. Covell before Legislative Labor Committee, 1898.

⁴ A. T. Lyman before Legislative Labor Committee, 1898.

⁵ See testimony of Mr. Lovering and of Mr. A. T. Lyman before Legislative Labor Committee, 1898.

upon smaller, spasmodic trades, such, for example, as confectionery, straw-plaiting, millinery, etc. Dealers claim that at holiday seasons and at other times of temporarily increased demand, they lose good business orders through inability to fill them in the short hours allowed by law, or to get new help for night-work. The clause which restricts the making up of time lost to loss within "the same week" (not within seven days) brings pressure and annoyance upon such businesses as laundry-work, where orders tend to crowd during the first of the week.

I have been unable to find any figures in Massachusetts which oppose to these contrary results. The two cases generally cited are the Atlantic Mills already referred to, and the Harris Mills, a voluntary experiment in the ten-hour system, at Woonsocket, Rhode Island. The Harris Mills manufactured a high grade of cloth goods which met almost no competition.

The argument in rebuttal, without means of statistical proof, throws doubt on the statements given above. Reference is made to the cases of voluntary reduction to eleven hours (1853) at Lowell, Lawrence and Fall River. There, during the eight years which elapsed before the *régime* became general, no attendant abstraction of capital appeared; but there was a constant growth.¹

Statement is also made that during the twenty-one months of experiment at Fall River, "that city outstripped all competitors." Again, when an attempt was made, in 1879, to repeal the ten-hour law enacted the previous year, action did not proceed from Fall River, "nor Lowell, nor Lawrence, nor Holyoke, nor Chicopee, nor New Bedford, but from West Boylston, Sutton, Suncook, and Edward Atkinson," not from the great centres of industry, but from comparatively unimportant quarters and instigated by "an agitator."²

¹ McNeill, G. E., before Labor Committee on repeal of Ten Hour Bill, 1879, p. 4 (Pamphlet).

² *Ibid.*, p. 16.

The chief criticism upon these claims is that they apply to the cotton industry at a time when it easily held a monopoly, and when a tax no more considerable than that imposed by this shortening of hours would hardly be sufficient to injure its growth. Yet even the reduction to eleven hours had been considered by employers more as a concession to labor agitation than as an economic measure. Concerning the Fall River experiment, statements to be balanced against this claim have been given above.

The Manchester Experiment. The most weighty arguments in support of the economic advantages of this law are not based upon any American experience, but upon cases presented by certain English manufactories,—notably the various branches of the engineering and machine-making trades. The Salford Iron Works, at Manchester, expressly undertook to prove, or disprove, for the experiment was quite dispassionately entered upon, the practical possibility of the eight-hour *régime* in that occupation. The experiment was in every way carried forward in a truly scientific manner. The period was one year, from March 1, 1893, to February 28, 1894, results being referred to “the averages per year of the six preceding years” when the works had been running fifty-four and fifty-three hours per week. “Every element which might render doubtful its general application as test for the whole engineering and machine-making trade was eliminated.” Wages remained at the same rates; the character of the work was as during preceding years; competition was close in both home and foreign markets; there was general trade depression. Statistical results may be summed up as follows:

There was actually a larger output in the trial year, but owing to prices the turnover did not increase with the amount of production. The ratio of wages to turnover in the trial year, as compared with that of the standard years, showed increase of .4 per cent, but at the same prices the wages cost “would have shown a decided decrease.” Balancing economies against fixed charges the result was “un-

mistakably in favor of the trial year,—.4 per cent on the net amount of the year's turnover." "The proportion of 'time lost without leave' to the total time worked averaged in the fifty-three-hour period 2.46 per cent, whereas in the forty-eight-hour period it was only 0.46 per cent." This saving had a very important effect upon the general result. "Although there was falling off in the percentage earned by piece-workers over and above what they would have received as day wages, it was slight in comparison with the reduction in time, and particularly so in the latter portion of the year." Such result was, in fact, due to a reduction of rates in some work, but if the original rates had been maintained the difference between the two periods would have been 0.5 per cent instead of 1.41 per cent, a fluctuation which is not at all unusual between any two years. Upon the other hand, the output of day workers must have been considerably increased since the total product was greater in the trial year than before. Comparative percentages may be tabulated as follows:

	IN FAVOR OF FORTY-EIGHT HOURS. PER CENT.	AGAINST FORTY-EIGHT HOURS. PER CENT.
Comparison of wages to turnover, made simply on the net value of production and the wages thereupon		0.4
Balance of account for "wear and tear," fuel, etc, as against increased cost per hour worked, for fixed charges, which must be credited to wages account	0.4	
Proportion of lost time to total time	2.0	
Difference in the amount of piece-work production as shown by piece-work balances, in three periods of the year :		
1st Period		1.76
2d "		1.58
3d "		0.78
Difference of piece-workers' earnings after equalizing prices for fair comparison with preceding years, for the whole trial year		0.5
(Diminution of piece-work made up by better day work.)		

¹ Mather, W. (M. P.). *The Forty-eight Hours Week ; A Year's Experiments and its Results*, pp. 17-19.

Mr. Mather adds one important condition as "necessary to the success of the system;" there must be "total abolition of overtime." The double shift must be used when there is need of hastened work (p. 25). The experiment, he also said, received the hearty co-operation of employees, and there was strict observance of time orders.

The Salford Iron Works continued the forty-eight-hour week as their permanent system, and it is to-day not uncommon in English engineering trades, outside of London. It was certainly a tribute to the value of the Manchester experiment that, after formal conference with Mr. Mather, the government construction departments at the Wollwich Arsenal Works and the Dockyards adopted these hours. On the other hand, the bitterly fought and unsuccessful struggle of London engineers in 1897-98 for the same privilege, throws doubt upon too hasty generalization. London masters are apparently not yet convinced of the economic advantage to their business of such hours although they were given every opportunity to study the argument of practice as well as theory. Possibly the necessity of greater care and punctuality deters their wider adoption.

A few other special cases of the voluntary short-hour system present themselves, but none in general lines of manufacture, so that it seems most unsafe to draw the deduction that the same economic results would follow in occupations essentially unlike.¹

Even in England complaint of hardship under the pressure of the code of labor laws has been loud enough to call for investigation by a Royal Commission. The Commission there, as our Labor Committee here, judged that there was no sufficient evidence for the repeal of the laws.

To sum up the case in regard to the influence of labor laws on the expenses of production:

Fixed charges have been increased by a small percentage

¹*e. g.* The Jena Glass Works, Germany, in other ways also a unique industrial organization; our own building trades, etc., etc.

to cover the higher insurance requirement and the enforced weekly wage payments. Cotton-mill figures show each reduction in hours to have been followed by a reduction in output of from 5 per cent to 10 per cent; while comparison with mills of like equipment in other states confirms the advantage of longer hours. The statistical report of the Massachusetts Bureau of Labor (1883), which gives a comparison of profits and earnings in 1875-1880 fully supports these statements.

The labor argument does not oppose contrary figures, but points to the continuous growth of the industry and notes that the largest and oldest mills make little complaint. Even in the scientific experiment in the forty-eight-hour week made by the Manchester Iron Works (England) in 1893-94, percentages do not show a very favorable margin. The later unsuccessful struggle of London engineers to secure this forty-eight-hour privilege (1897-98) suggests that London masters held that longer hours were economically desirable.

From the facts thus far presented we must conclude, therefore, that the weight of evidence goes to show that this labor legislation is a tax upon production.

Contrary Tendencies.—How far do other effects of these laws tend to offset this burden? Two results are generally admitted:

1. Restrictive labor laws stimulate to greater speed and to other improvements in machinery and management.
2. They increase the efficiency of labor.

Every reduction of hours thus far has been followed immediately by the speeding up of machinery; by imposing stricter time regulations; by introducing special discipline in "gang work," so that time may not be lost to a whole shift through the fault of a single member, etc.; eventually, by the replacement of old machines by new ones of greater capacity, and requiring, usually, fewer operatives to tend them; and also by such further changes in management or methods

as can be devised to accomplish saving. This is the unanimous testimony of employers, laborers and inspectors.

By these means the old volume of production has been regained. Statistics of manufacture show production to be advancing in Massachusetts, as elsewhere, in spite of the odds against it. The disturbing thought to Massachusetts is, that although her manufacturers are forced into the lead in making improvements, and leadership often involves costly as well as successful experimentation, her rivals very quickly fall into line. Equipment in neighboring states is equally up-to-date, and this holds good very generally, even of the Southern cotton mills. Where Northern enterprise and capital have lately established themselves in the South, it is claimed that the mills are even *better* equipped, having had no old machinery too costly to be lightly put aside in favor of the new.

Concerning the increase in efficiency through increased leisure, there has been much loose and unprofitable debate.

Where hours were originally excessive, reductions were a physical benefit to employees which told in greater vigor of work. Note the traditional effect of reductions, from the twelve and fourteen-hour day to the eleven-hour system. It was a policy followed by employers as a concession to labor not in the end disadvantageous to their own interests.

Again cases are brought in evidence upon the ten-hour reduction, where the full quota of work was accomplished in the restricted day. These instances are almost invariably found in departments most purely dependent upon manual labor, as in the Holyoke thread mills, in "drawing in" for the cotton web, in cigar shops, etc. In machine work speeding the machinery does, of course, set a somewhat higher work requirement upon the tender, in this sense increasing efficiency, but the product depends most intimately upon the speed of the machine as the determining factor.

Of the several labor leaders consulted, not one has held that the ordinary factory operative succeeds in accomplish-

ing the same amount of work in a ten-hour day, or a fifty-eight-hour week, as he did before in eleven hours, or in the sixty-hour week.

The fact appears to be that the stimulus of "piece wage" has effectually eradicated the lazy employee, while working hours were already short enough to prevent exhaustion in ordinary cases. The exchange of fifty-eight for sixty hours has certainly effected but infinitesimal changes in efficiency.

Compared with the labor of adjoining states, it cannot be said that Massachusetts labor stands appreciably higher in skill. Compared with Southern labor, the cotton mills' reports bring astonishing evidence of operatives, new to the occupation, working very long hours and manipulating machinery running at a speed closely approximating that of the mills of Fall River and Lowell.

The Southern labor is of sound mountain American stock, while a large proportion of Northern operatives are short-resident foreigners. This fact is often forgotten in making comparisons between the two sections. The heterogeneous character of Northern mill-hands appears from the following extract from the report of the Labor Committee (1898) on reduction of wages:

"In 1895, the number of persons employed in the cotton mills in Fall River was about 22,398. Of this number 15,823 were foreign-born. Places of birth were as follows:

Canada (English)	217	Portugal	587
Canada (French)	6,056	Prince Edward Island	25
England	6,073	Scotland	344
Germany	64	Sweden	19
Ireland,	2,130	Other foreign countries	274
New Brunswick	13		
Nova Scotia	21		
			<hr/> 15,823

"We think this is fairly representative of the foreign-born at work in the other cotton centres."¹

¹ WHEREAS, The factory inspectors of the various States, have learned from the results of their labors, that the inefficiency of our immigration laws are responsible for the surprising increase of a very undesirable class of people in our fac-

Massachusetts labor laws have certainly acted to induce care in methods and to encourage the introduction of improved machinery. Beyond exacting a more constant attention to work however, they apparently have not increased the productive efficiency of the normal machine-tending operative. Moreover the figures of manufacturers above presented, include all of these factors which are indeed quite inextricable from the general problem. Conclusions therefore remain the same.

Investment.

Has this tax imposed by labor legislation, then, operated to discourage investment in Massachusetts? It is unequivocally stated that "vast sums of Massachusetts capital have gone to other New England States, driven away chiefly by adverse conditions created by legislation."¹ There has been growth, but in "unmistakably reduced ratio," and this is due to "public knowledge of restrictions and limits here greater than in any other state," constituting "a direct discrimination against capital, against labor, and against the material development of the state."²

"The result of isolation³ . . . was visible in the more rapid development of competing industries in neighboring states; notably in Connecticut, Rhode Island and Maine."⁴

tories and workshops, forming a menace to the health of our citizens, the rights of our laboring men and women, and the welfare of society at large; therefore be it—

Resolved, That the International Association of Factory Inspectors, in convention assembled, request that the chiefs of the department of factory inspection of the various States, recommend in their next annual report to the Governor of their respective States, that he call the attention of the legislative bodies to this existing evil, asking them to pass such resolutions as they may deem proper, calling upon Congress to enact such laws as will control and restrict the immigration of this class of people landing upon our shores.

Approved by committee, 1898.

¹ Bulletin of Wool Manufacturers, September, 1895, pp. 261-2.

² *Ibid.*, p. 264.

³ In 1880, Massachusetts was the only State in which the ten hour day prevailed. She is still the only State where short hour laws are well enforced.

⁴ Bulletin of Wool Manufacturers, September, 1895, p. 234.

"Upon the passage of the McKinley law, both foreign and domestic capital opened new textile industries in the United States; none of any importance chose to locate in Massachusetts. They went to Connecticut, Rhode Island, New Jersey, Pennsylvania and New York."¹

These statements are put in a tone of conviction and authority. But there is neither proof nor legitimate protest in that misty realm, it-might-have-been.

Problem: Given a sum of floating capital, in a world full of inviting industrial ventures, determine the point at which it will fall. Did ever an economist solve equations that involved a like proportion of unknown quantities, or seek to trace a curve of so many dimensions? The "vast sums" that might have settled in Massachusetts, it would be vain for us to seek; nor should we speculate too freely on what might have become of "other New England States" if Massachusetts labor legislation had not "driven" that capital to them. Their commonplace growth, as shown in tables of statistics, would allow Massachusetts to be magnanimous upon this point.

The "unmistakably reduced ratio" of growth in Massachusetts, and the "more rapid growth of competing industries in other states," may be verified or disproved by statistics. It is a textile bulletin that makes the statement; it is the textile industry which is most evidently a "competing industry in other states." We may therefore very properly take our figures from its history.

These figures certainly do not indicate that the Massachusetts cotton industry was lagging as compared with that of her neighbors; if not the cotton industry, we may be assured no other either. Massachusetts general industrial returns have not brought consternation to the public. The government annually contemplates them with self-satisfied pride. As a whole they give no indication of a stunted growth. Outside of textile occupations there is no complaint of injury.

¹ Bulletin of Wool Manufacturers, June, 1891, p. 107.

GROWTH OF TEXTILE INDUSTRY.

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Number of Spindles.¹

STATES.	1831.	1860.	1870.	1880.	1887.	1889.	1891.	1892.	1894.	1896.	Percentages of Increase (+) or Decrease (—) in 1896 as compared with 1887.
Maine	6,500	281,056	459,772	695,924	884,722	884,722	917,169	923,541	931,116	916,304	+11.14
New Hampshire	113,776	636,788	749,843	944,053	1,180,648	1,207,312	1,245,021	1,288,351	1,296,106	1,308,802	+10.85
Vermont	12,392	17,600	28,768	55,081	63,868	62,775	72,848	80,271	102,393	106,583	+66.88
Massachusetts .	339,777	1,673,498	2,619,541	4,233,084	5,330,120	5,905,875	6,308,925	6,847,744	7,160,480	7,790,642	+46.16
Rhode Island .	235,753	814,554	1,043,242	1,764,569	1,856,982	1,948,958	2,036,519	2,086,087	2,076,665	2,104,060	+13.31
Connecticut . .	115,528	435,466	597,142	936,376	1,092,524	1,023,928	1,046,399	1,020,070	1,033,935	1,045,937	— 4.26
New York . . .	157,316	348,584	492,573	561,658	631,676	619,472	609,589	622,399	706,859	717,423	+13.57
New Jersey . . .	62,979	123,548	200,580	234,221	351,068	351,068	381,436	439,322	439,328	439,824	+25.28
Pennsylvania . .	120,810	476,979	434,246	425,391	452,735	445,962	474,729	389,985	401,841	464,017	+ 2.49

—Massachusetts Labor Bulletin, January, 1898, p. 29.

¹ United States Tenth Census—Manufacturing—Factory System, p. 10.

There are, however, other facts to be considered. Once Boston was the market of a large tea auction; the legislature laid increasing taxes upon this; the tea auction sought a more congenial centre. The tax was quickly repealed in hope of winning back that business, but it never returned. Although her general industry remains in health, there are disquieting symptoms in Massachusetts cotton mills. These must not be lightly overlooked in a too general estimate of well-being.

Massachusetts cotton mills are investing, to-day, at home little more than what the conditions of small margin and the consequent necessity of a large output forces upon them. Mr. Lovering before the Labor Committee said, "I have never known capital more timid than it is to-day in the direction of cotton manufacture in this state." Yet look again, and we see several of these same mills investing largely, with no apparent lack of capital or energy, in Southern states. The Massachusetts Mills of Lowell have a plant in Alabama; the Dwight Company of Chicopee has also a branch there; the Lindale Mills in Georgia are owned in Massachusetts; Newburyport, Massachusetts. Another Massachusetts mill-owner with important cotton interests told me that he was carrying on active negotiations with a view of actually moving the Sparten Mills, Spartenburg, were originally settled at into a large concern, bag and baggage, to the South. He gave it as his opinion that many other Massachusetts treasurers were investigating in the same field, and that no new cotton mill would now locate in Massachusetts, or a large mill burned be rebuilt there. It seems the very general opinion among these men, that the life of the cheap-grade cotton mill of Massachusetts is rapidly ebbing, and that the industry must inevitably confine itself chiefly to the production of high-grade goods.

This situation in the cotton industry was hardly contemplated at the time when Massachusetts passed her labor laws; and it brings serious questions now before her legislature.

A brief digression upon the present aspect of this textile manufacture in Massachusetts can therefore hardly be avoided at this point.

Situation of Massachusetts Cotton Industries.—In earlier days Massachusetts, in her great cotton manufacturing centres, long held a practical monopoly of the cotton-goods production of the country. To-day, however, her position is altered; another section competes, with increasing strength to force her goods from market.

The history of the American cotton industry in itself would give plentiful material for interesting and profitable economic and sociological study. It begins with the introduction of the factory system here; it has always been a chief subject of tariff regulation and labor-law enactments; it built a large monopoly centred in a single state, later carrying a heavy burden of state-taxation, and furnishing livelihood to thousands; dependent by its very character upon special natural and social conditions, it has seen grow up a stripling wrestler with nature's bears and lions, now to offer resistance to its Goliath strength.

We will not here attempt needless review of history. The growth of Southern competition is most apparent in very recent years. In its *Bulletin* of January, 1898, the Massachusetts Bureau of Statistics of Labor contrasts the growth of this industry in Massachusetts with that in Southern states, as shown by United States Census figures for 1880 and 1890.

"In 1880, . . . the total value of goods made in Massachusetts was \$72,289,518, or slightly more than seven-tenths of the output returned in 1890 (\$100,202,882). During the decade Alabama and Mississippi nearly doubled their product, while Kentucky more than doubled hers. In Tennessee the output was nearly three times as great in 1890 as in 1880, and in Virginia there was a gain of 66.45 per cent. In none of these states has the industry reached a point of marked development. Georgia, however, prac-

tically doubled her product, and North and South Carolina both show a gain of more than 235 per cent.¹

There are no later census figures for this increasing Southern growth. For more recent years Mr. Southworth (of the Massachusetts Mills, Lowell) gave the following statement before the Labor Committee (March 25, 1898):

"Since 1890, the number of spindles in Alabama has increased 139 per cent; in Georgia 65 per cent; in North Carolina 184 per cent; in South Carolina 184 per cent." We may contrast these figures with the 46 per cent of increase in Massachusetts from 1888-97.

To-day the South opposes to original Northern monopoly the steady product of 663 mills running 6,267,163 spindles. During the last decade 327 mills were planted there, 113 mills and 1,315,071 spindles being the growth of the year 1899 alone.

Let this, then, serve to indicate the increasing importance of Southern competition. It is little wonder that it has aroused the anxious questions of interested parties. The Massachusetts mill-owner, the Massachusetts operative, the government itself, have all made special study and investigations into the "reality" and the "causes" of this menacing competition. The respective statements of these investigators are characteristic and suggest bewilderingly contradictory conclusions.

The following gleanings would seem to give an approximation to the actual facts:—

In advantages, the South leads in cost of labor, estimated at from 30 to 40 per cent less than Northern, or at about two cents per pound of goods. It holds also an indefinite advantage in total freedom in hours. Against the Massachusetts mills, limited to a fifty-eight-hour week, the Southerner may run seventy-two hours at will. The lighter taxation in the South, even in many cases amounting to no taxation at all, is another evident advantage. These claims are

¹ Labor Bulletin, January, 1898, p. 3.

very generally conceded. As against the minor advantages of cheap fuel, abundant water power, nearness of raw-material, less cost of building, etc., counterbalancing considerations favor the North. The North has less cost for shipping and marketing of goods; at least 10 per cent less for machinery; a saving in rates of interest on better security, and a larger surplus capital which permits the purchase of cotton when the market price is lowest. Other advantages of more intangible nature are also urged, "economics," "public protection," "experience," "advanced laws," "invigorating atmosphere," "stimulating environment," "intelligent workmen, who have learned to know and protect their rights."¹

These varied advantages compared in an actual market price have generally favored the South by showing a balance of at least one-fourth of a cent in the yard. The difference in actual cost of production is claimed to be two cents per pound, or $33\frac{1}{3}$ per cent less in the South than at Fall River.

It is to be noted that the character of the advantages claimed will show Massachusetts a loser as a result of the leveling influence of time. The claim of higher skill in Northern labor is already losing its force in the face of speed and product shown by Southern machinery. Now ample credit and lower capital must also soon be looked for there. It seems indeed, to an unbiased onlooker that "Southern competition has come to stay," and that "it is foolish to ignore or belittle it."²

The Massachusetts Labor Bureau laid the blame for the distressing conditions of 1897-98 upon the abnormal business depression, "consequent" overproduction, and resulting pressure of competition, and the measure of accuracy of the statement is demonstrated by the return of normal prosperity with the general revival of business activity throughout the country. This must not, however, be permitted to

¹ Labor Bulletin, January, 1898, p. 38 (G. A. Chase).

² *Ibid.*

cloak the important bearing upon the present and future situation of the following facts. In spite of an already thoroughly established industry, in a centre calculated to attract further investments of capital seeking the occupation, a large competing business has grown up. In order thus to compete against the odds in favor of this well-organized and concentrated industry, it was obliged to produce the same goods at lower prices. This it has done. And not only this. While the Northern mills complained of overproduction, Southern mills were working day and night to fill their orders. The market continued perfectly good at the lower selling prices. In the South the mills manufactured at such price and with a profit. Cases are adduced in which the Northern mills relied upon their Southern branches to make good their loss. As an example, the Massachusetts Mills of Lowell have such a branch in Georgia. They went there in order to save their trade with China, when they found it impossible to continue the competition from Massachusetts because the Southern mills were underselling them in the New York market. Built in 1895, this mill has been "unable to keep up with orders" and has "made a profit from the start." Mr. Southworth continues, "We are able to sell, at a profit, goods made in that mill which we could not sell at all if they were produced in Lowell, owing to the difference in cost. Operations in the South have been so successful that we are now considering the increase of our plant there." The Spartanburg mills tell the same tale. They had languished long at Newburyport, but they have built two new mills out of their Southern profits. The Arkwright Club, reporting upon its investigations concerning this Southern competition, stated its belief in the "hopelessness" of continuing so one-sided a struggle as that in coarse-grade cottons.

As yet Southern mills have not attempted to make the finer grades. There seems no adequate reason why they should not in time, but advantages would at first weigh less

strongly on their side. There is, therefore, prospect that the cotton industry of Massachusetts will tend to develop upon these lines. "It will abandon certain kinds of goods which cannot be profitably made; it will extend the output of others and cheapen production by improvements in machinery and processes; the industry in each section will take the form to which is best adapted."¹ In this conclusion the *Bulletin* appears to recognize the fact of unproductive conditions in branches of the Massachusetts cotton industry.

Natural conditions weigh against this occupation in Massachusetts; a stronger force than state legislation is determining its future. Years since, Massachusetts lost her iron-works; this was not on account of labor legislation. Nor can we now believe that the repeal even of every labor law would permanently alter the present situation.

Given, however, such weight of adverse conditions; given laws which, as we have seen, impose an appreciable tax, when every least saving counts; we are driven to conclude that this legislation has tended to *hasten* the departure of the industry of producing the heavier grades of cottons from the state.

Effect on Wages.

Thus far we have treated of effects chiefly as concerning employers. We must look now at results more immediately connected with the interests of those employed. What has been the influence of labor legislation upon wages? In the heated discussion which the question has aroused, the respective claims of labor and capital confront us in form as irreconcilable as yes to no.

Approached without prejudice, however, the problem of ascertaining the rise or fall of wages due to restrictive labor legislation appears at first simple, but so intimately do such variations depend upon other economic forces, that almost endless difficulties arise in the process of elimination. In-

¹ Labor Bulletin, January, 1898, p. 42.

dustrial statistics show a constant advance in labor earnings, with little reference to the dates of labor laws; the continual introduction of refinements in machinery has had an overpowering influence upon this progress; concessions to the demands of trade unions have contributed a large, but indefinite, share, while fluctuations in business prosperity which cause temporary changes in rates further complicate the problem.¹ In cases where special advances have appeared, more local reasons are always forthcoming as sufficient causes.

An illustration will perhaps make the situation more intelligible. Here, for example, is a case where the rise in wages was exclusively due to new machinery. A number of old Bigelow carpet looms were replaced by new looms of similar general construction, but running at twice the speed and therefore weaving twice as many yards of goods per day. The output in yards being doubled, the rate of piece wage was cut about 25 per cent, leaving an increase in day wages of about 25 per cent. In this instance the rise in wages was perhaps unusual owing to the length of time that the old machines had been in use; it, however, serves to indicate the importance of the influence which in hundreds of less evident instances should nevertheless be credited to machinery. Speed is, of course, only one of the many mechanical improvements which have increased the working capacity of labor and accomplished a saving in the cost of production,

¹ *Changes in Wages, 1880 to October, 1900.—Textiles.*

February, 1880, advance of ten per cent.

February, 1884, reduction of five to eight per cent.

February, 1885, further reduction of about six per cent.

March, 1886, advance to former list.

April, 1891, advance of four per cent. to mule spinners only.

July, 1892, advance of three per cent. to make weekly earnings under fifty-eight-hour law same as before.

September, 1893, reduction of seven to ten per cent.

August, 1895, advance of five to seven per cent.

January, 1898, reduction averaging eight per cent.

April, 1898, restoration to January, 1898, wages.

December, 1899, wages advanced ten per cent.

which redounds to the benefit of both employer and operative as illustrated above. Indeed, practical examples under this head might be multiplied *ad infinitum*.

Again it hardly needs argument to convince an American public of the strength with which organized labor pushes its interests in the industrial world.¹ So costly are the large strikes to all concerned that no manufacturer will ignore symptoms of discontent among his operatives, until the point of outbreak, if business conditions warrant a more conciliatory course. Nor are the labor unions slow to recognize and take advantage of seasons of prosperity when their demands are likely to be heeded. All employers appreciate the steady pressure of this force, and it is certainly unfortunate that we have as yet no means which can even approximately measure it. This sensitive wage barometer responds to the slightest changes in business atmosphere; be there disturbance of war or rumor of war, at hand or in the remote corners of the earth, the surge of a national election, the year's agricultural crop or increasing markets, all are registered in some degree in corresponding fluctuations of the wage column.

In such an entanglement of immediate causes, a study of statistics which concern the resultant alone could avail little to enlighten us, and would certainly lead through a wearisome way. Failing figures, the question was religiously put to employers, labor leaders and government officials, that at least some statement of a general opinion might be entered here. But this also was a vain hope.

Employers said in substance: We have never attempted to figure it out. We have an ample labor market and pay a stated day or, more generally, piece wage. While there is a steady market, this remains the same; but when the demand increases or gives prospect of increase or can be tempted, even by slightly decreased prices, we put in new machines of greater capacity to the labor attending; we cut *piece*

¹ Instance the late strike in the Anthracite Coal Regions.

wages in less proportion than the machine increases labor capacity, and consequently wages rise. If our operatives grow restless or threaten strike and ask for higher wages, and business conditions allow, we advance the day, or piece, rate slightly. We have never knowingly given more wages because of reduced hours, or other labor restriction; we have no reason to believe that legislation has had an appreciable effect.

Labor leaders said: We are not scholars or economists to offer a theory, nor can we give you any explanation of the fact; but there the fact stands. Every shortening of the hours of labor has been attended with an advance in wages. That is enough for us to know to keep us working toward more of the same thing.

Inspectors said: We cannot judge at all.

Officers of the Labor Bureau said: Statistics are not yet complete enough to justify deductions. We can only say that in general real wages are rising.

Discussion of this wage question in the main centres about restriction of hours as the effective cause.

In contrast with the attitude of the labor leaders, we have seen the constant voluntary evasion of the ten-hour law by employees.¹ In 1887 the inspectors made note: "Discontent with the ten-hour law is not found only among mill-owners, but also in workers, who earn less day wage."²

New England, outside of Massachusetts, is unembarrassed by short-hour legislation, or to an appreciable extent by any other labor restrictions. The idea therefore suggests itself that a comparison of the rates of wages in parallel employments in these states, by eliminating common factors from the problem, may throw some light upon the question. Are wages in law-bound Massachusetts higher or lower than those in sister commonwealths? Let us glance rapidly over a few comparative statistics.

¹ Massachusetts Police Report, Inspection, 1887, p. 20.

² *Ibid.*, pp. 14, 15.

Here is a table which presents the average weekly earnings in wool and cotton mills as given by the United States Census of 1890:¹

STATE.	WOOL MILLS.		COTTON MILLS.	
	MALES.	FEMALES.	MALES.	FEMALES.
Massachusetts	\$8.79	\$6.03	\$8.05	\$5.89
Maine	8.79	5.98	7.52	5.68
New Hampshire	8.67	6.11	7.56	5.83
Vermont	9.05	6.59	7.53	4.50
Connecticut	8.93	6.43	7.68	5.69
Rhode Island	8.98	6.20	7.99	5.70
New York	9.09	5.91	7.62	5.28

In the wool mills, four neighboring states pay higher wages than Massachusetts to both males and females; only one of the six drawn upon for comparison, New Hampshire, pays less to males; and only two, Maine and New York, less to females. But on the other hand, in the closely allied occupation of cotton mills, this state outstrips all in the rate of wages given.*

How do the more general figures in regard to state industries compare? The average annual earnings per employee have also been tabulated in the National census.

STATES.	OPERATIVES.		PIECE-WORKERS.		EMPLOYEES (Unsalerialied)
	Males.	Females.	Males.	Females.	
United States	\$498	\$276	\$500	\$255	\$445
Maine	380	266	380	189	326
New Hampshire	416	292	437	260	365
Vermont	401	292	376	262	381
Massachusetts	540	299	520	316	460
Rhode Island	498	287	550	300	410
Connecticut	543	292	555	303	473
New York	582	300	532	270	492
New Jersey	554	274	538	250	477
Pennsylvania	511	273	529	261	462

¹ U. S. Eleventh Census: Manufactures—Textiles, pp. 135, 207.

* *Ibid.*—Manufactures, I, pp. 22, 36.

Analysis of these figures shows that Massachusetts pays more for the day-labor of males than do five of the eight neighboring states, and more for that of females than do seven. In her piece-work, males earn less than do those of five other states, females more than those of any of the states entered. The column of undiscriminated wages puts Massachusetts in the very centre—four pay higher wages, four pay lower. Turning attention for a few moments to some of Massachusetts' rivals, it appears that wage rates in Rhode Island, Connecticut, New York, New Jersey and Pennsylvania vary quite as much in reference to each other as they do when referred to Massachusetts.

Another interesting comparison is that between the average annual earnings of males in six industries common to the ten states having the largest number of employees.¹

STATE.	Carpentering.	Carriages, Wagons, etc.	Clothing, Men's Factory Products.	Foundry and Machine Shop Products.	Masonry.	Tobacco, Cigars, Cigarettes.
Connecticut	\$682	\$670	\$497	\$591	\$685	\$560
Illinois	644	543	401	554	614	516
Massachusetts.	683	609	637	581	680	545
Michigan.	518	446	491	526	548	490
Missouri	670	498	466	568	649	494
New Jersey.	724	574	521	565	769	483
New York.	727	553	596	598	654	515
Ohio.	588	483	295	530	583	410
Pennsylvania.	663	489	583	563	649	377
Wisconsin	539	459	304	502	470	455

Massachusetts regularly leads at least seven of the ten states entered in this table, although in only one industry, the manufacture of men's clothing, does she give the highest wages offered.

New Jersey is the only state which has passed an act to secure shorter hours—55 per week—than obtain in Massachusetts. We insert therefore a table of comparisons drawn between these states for the year 1895.²

¹ U. S. Eleventh Census—Manufacturers, I, p. 28.

² Massachusetts Labor Bulletin, July, 1897, p. 39.

Comparative Average Yearly Earnings.

INDUSTRIES.	AVERAGE YEARLY EARNINGS.	
	New Jersey.	Massachusetts.
Artisans' tools	\$535.25	\$548.09
Boots and shoes	433.99	487.86
Boxes (paper and wooden)	310.53	391.67
Brick, tiles and sewer pipe	387.87	460.79
Buttons and dress trimmings	329.70	359.30
Carpetings	278.64	370.14
Clocks, watches and jewelry	412.46	517.02
Clothing	305.03	400.23
Cooking, lighting and heating apparatus	434.66	644.28
Cotton goods	383.87	329.78
Cotton, woolen and other textiles	308.60	375.64
Earthen, plaster and stone ware	405.24	491.19
Electrical apparatus and appliances	420.38	525.79
Glass	701.07	542.38
Hosiery and knit goods	263.97	333.32
Leather	430.28	478.92
Machines and machinery	465.20	534.48
Metals and metallic goods	505.22	515.16
Oils and illuminating fluids	531.85	525.27
Printing, publishing and book binding	415.25	555.75
Rubber and elastic goods	353.66	431.55
Silk and silk goods	372.27	344.09
Straw and palm leaf goods	234.12	422.11
Tallow, candles, soap and grease	481.20	485.94
Tobacco, snuff and cigars	281.03	634.43
Wooden goods	279.89	534.25
Worsted goods	251.80	356.96

From these figures we see that Massachusetts pays the higher wage in twenty-three out of the twenty-seven industries tabulated. Upon the other hand, if we compare rates in Massachusetts in 1890 with those throughout the country as chronicled in the United States Census, Massachusetts appears to give lower rates in twenty out of twenty-three industries.

To sum up the evidence contributed by these tables: Massachusetts, as compared with neighboring states, pays higher wages in cotton mills, lower in wool mills; in general gives

INDUSTRIES.	AVERAGE YEARLY EARNINGS.	
	Massachusetts. ¹	United States. ²
Agricultural implements	\$405.88	\$466
Artisans' tools	446.94	543
Boots and shoes	387.12	454
Boxes	309.54	370
Carpetings	289.27	387
Carriages and wagons	450.98	508
Chemical preparations	450.31	486
Clothing	291.32	373
Cotton goods	268.03	302
Electrical apparatus	573.04	513
Food preparations	264.03	352
Glass	451.85	465
Hosiery and knit goods	258.39	278
Ink, mucilage and paste	298.07	497
Leather	443.34	538
Paper and paper goods	362.05	415
Printing, publishing and binding	441.35	551
Rubber and elastic goods	347.74	399
Scientific instruments	403.81	602
Silk and silk goods	275.80	360
Tobacco, snuff, cigars, etc.	390.81	233
Wooden goods	392.61	365
Woolen and worsted goods	292.05	344

rather higher day wage, yet in the average earnings of all employees, stands exactly at the middle point. In six stated industries she pays higher wages than seven out of ten states. As compared with New Jersey in twenty-seven industries, Massachusetts' wage rates are higher in twenty-three; as compared with average rates throughout the country in 1890, she was lagging in twenty out of twenty-three. In fine we learn that Massachusetts is a very important manufacturing centre, that in wages she sometimes pays more and sometimes less than other states or the general average, that if we shift our comparisons similar variations in wages occur between other states with no discoverable relation to labor legislation. In the last two tables presented, the figures suggested anything but favorable deductions as to

¹ Massachusetts Bureau of Statistics of Labor Report, 1890, pp. 564-566.

² U. S. Eleventh Census—Manufactures, I, pp. 36-45.

the effect of short hour legislation upon wages. We must remember, however, to be on our guard when dealing with these averages which, as compiled by different bureaus, are not based upon exactly the same classifications. Indeed efforts to interpret such statistical figures tend rather to exercise the mind in flights of imagination than to develop logical lines of argument.

Therefore, while we may feel that the data given are not sufficient to justify the sweeping statement that short-hour legislation or labor restrictive legislation in general has actually reduced wages, it would be equally extreme to claim upon the basis of these figures that they had caused a rise in wages.

We must conclude, as did the Hon. Amasa Walker, "There is no sufficient evidence that wages have risen in consequence of, or contemporaneously with, the reduction of hours of labor,"¹ or the enactment of other measures of labor legislation.

Employment.

For the sake of argument we may allow, then, that shortened hours of labor do not appear to have acted to increase the wage of the individual worker, nevertheless has not the result followed to workers as a class through increase of numbers? Has not this restrictive legislation increased employment? The argument on one side is that under shorter hours, in order to keep up the product, more labor must be employed. (Here it may be noted, in parenthesis, that this statement ignores the previous claim that short hours are already compensated by greater efficiency of the original company of workers; and does not count the extra wage payments as an increasing cost of production.) The answer rests upon other grounds. The number of employees in a given factory is strictly limited by the amount of machinery there provided for them to tend; such limit upon

¹ Report of Majority of Commissioner on Hours of Labor to the Massachusetts Legislature, 1867.

numbers can, therefore, only be raised by new investment in like machinery. The contrary tendency is claimed, that restrictions placed upon labor make the manufacturer seek to dispense with it as far as possible, new investment in machinery seeking that of labor-saving value. "The diversion of labor-taxed capital into new investments in other states may there increase employment, but not in Massachusetts."

Cases present themselves in support of both claims. In the building trades, clothing industry, etc., such increase of employment has been evident; in cotton mills and generally where machinery is expensive there tends to be a decrease in the proportion of labor. The problem of the unemployed in Massachusetts seems to be as far from solution as elsewhere; certainly shorter hours have not acted to any appreciable extent to absorb enforced idlers in productive industries.¹

The claim that legislation has driven employees away from Massachusetts to other states where longer hours prevail is too groundless to deserve discussion. Labor is to a certain extent migratory everywhere, but there has been no perceptible increase of migration from Massachusetts. At a border line a few discontented operatives may have moved to neighboring mills, but their number has been insignificant.

Effect upon Woman and Child Labor.—We have seen that nearly the whole of this restrictive legislation bears directly upon the labor of women and children. Has it, then, resulted in decreasing their number in factories?

Inspectors' reports, from 1878 on, note a continued decrease in the number of children employed. In 1882 the reduction in numbers during the previous two years was estimated at 50 per cent.² Prosecution for violation became less frequent, and compliant employers found the exactions of school certificates, employment tickets, etc., such con-

¹ Brentano, *Hours, Wages and Production*, p. 69.

² Massachusetts Police Report, Inspection, 1882, p. 25.

tinual annoyance that they preferred to dispense with child labor so far as possible. The United States Census chronicles a decrease in Massachusetts of employed children under fifteen years of age from 21,363 in 1880 to 9,716 in 1890, or of more than 54 per cent in the decade.

The Massachusetts returns for 1897 were as follows: Number of children employed in manufacturing and mercantile establishments and workshops, 13,324; between the ages of thirteen and fourteen years (under fourteen), 104; between the ages of fourteen and sixteen years, 13,220. In ten of the very large manufacturing concerns of the state there was a decrease, between 1892 and 1897, from 635 under sixteen years of age to 397, or of about 37 per cent. These statement were readily confirmed by the observations of manufacturers and labor leaders interviewed.

Although allowance must be made here for improvements in machinery which have made automatic many processes before given into the hands of children, and to the public sentiment which frowns upon their employment, we are still warranted in attributing a substantial influence to legislation in the attainment of the above results.

The same does not, however, hold true with respect to women. The proportion of women employed in Massachusetts is not appreciably decreasing. Restrictions upon the labor of women involve far less inconvenience than is imposed by the details of child-labor laws. The limitation to short hours is the only really serious drawback to their employment. The cheapness of their labor, added, in some of the more delicate operations of manufacture, to their superior dexterity, is sufficient largely to counterbalance this disadvantage.

Conclusions Summarized.

We may summarize our conclusions as to the economic effects of Massachusetts labor legislation as follows:

1. A real and appreciable tax has been put upon the industry of Massachusetts.

2. This has been a goad, increasing the ordinary incentive of competition to urge the use of better machinery and more careful management, and has forced her manufacturers to take the lead in the introduction of improvements. Neighboring states have, however, quickly imitated her successful methods.

3. Improvement in machinery, speed, etc., involves somewhat higher work requirements, and in so far increased efficiency. The reduction of hours below eleven has been accompanied by an offsetting increase of efficiency only in a few cases of arduous and predominatingly manual labor. Piece-work had already fulfilled its function here.

4. Whereas statistics of manufacture show Massachusetts to be growing at a normal rate, and with no evidence of injury from her labor laws; one industry of importance is in an unmistakably critical situation. There is reason to believe that the heavy-grade cotton mill is leaving the state. In this case natural conditions weighed already against Massachusetts, and legislative restrictions have been a tax tending to hasten the departure of the industry to the more favored South.

5. The effect upon wages has been slight and is very difficult to estimate. The influences of improved machinery, of the demands of labor unions and of market conditions, have been so great as to overshadow that of legislation. Comparison with other states compels the conclusion that there is no sufficient evidence of a tendency in restrictive legislation to raise wages.

6. We found increased employment in building trades, etc., fully offset by tendencies to save labor by machine work. Unemployment remains an unsolved problem in Massachusetts.

7. Protective legislation has unquestionably reduced child labor, both directly by the restriction of such labor, and again indirectly by the stimulus given to mechanical improvements which have raised the requirements of at-

tention, etc., and made work before given to children automatic.

8. The number of women employed has maintained a constant ratio. The restrictions—chiefly in hours—have been offset by the cheapness and dexterity of female labor.

9. Among manufacturers the disquieting influence of the constant threat of further protective measures on behalf of labor is noticeable as an obstacle to business confidence. Bills are each year brought before the legislature, backed by a political party of constantly growing strength.

10. Another economic effect of this legislation is the unestimated expense which years of struggle for and against the passage of these laws has imposed upon both laborer and capitalist. This must aggregate no inconsiderable sum of money.

It may be objected that the evidence above presented, and from which our conclusions have been drawn, is taken principally from the experience of textile manufacturers. There are several justifications for this procedure.

1. Labor legislation in Massachusetts has centred about the textile industry as the chief branch of manufacturing in the state.

2. Textile manufactures have felt the effect of legislation more keenly than others; have taken a more active part in discussion; and have therefore presented more evidence bearing upon the subject. Other industries have rather held aloof from the contest.

3. Conclusions may be quite as scientifically arrived at upon the basis of these facts as upon evidence drawn from a more diversified field. For if it is shown that restrictive legislation imposes a tax upon textile industries, and the data also indicate the amount of that tax, other occupations equally under the operation and enforcement of the same laws must suffer in the same way. It may indeed be that they are better able to bear it and do not feel any particular injury from it.

CHAPTER III.

EFFECTS OTHER THAN ECONOMIC.

Health—Standards of Living—Citizenship.

We have laid much stress upon the strictly economic consequences of labor legislation. It is no less incumbent upon the economist, who would make a critical study of these restrictive measures, to recognize the importance of other considerations. In the end these may affect the economic situation even more than such matters as increased or diminished product, or higher or lower wages.

Health.

Of prime importance is the standard of health in the community. What has Massachusetts labor legislation done for the health of her workers?

At the time when the ten-hour bill was eliciting warmest discussion (1865-1874), a chief argument presented in its favor was that "the health of female operatives demands it!" So important was this point made that the government called upon the Board of Health for a special investigation in 1871. The report then given upon the "Health of Minors in Manufacture" contained the following statement: "A comparison of the death rate of operatives with that of the whole popu-

lation at the same ages, for the years 1860-65, allowance being made for war deaths, showed the figures to be 'remarkably close.' " Estimates of absence from work, on account of sickness, asked for from employers, varied approximately from zero to 5 per cent; while many replied that absence from the mills had been too trifling to record.¹ The result of the investigation convinced the Board that there was very little evidence of special disease or unhealthiness due to laboring in factories, even in those days of long hours.

The validity of these deductions has been adversely criticised.² But Dr. Derby's conclusions do not stand entirely alone in their testimony to the general good health of operatives. The commissions of 1865 and 1866 held the same view; while the opinion of practitioners among factory hands bore out the testimony. More general studies made both in the United States and England further corroborate this opinion on the basis of a wider experience.³

That long hours and lack of open-air exercise often led to great fatigue it is not attempted to deny, and the community must recognize that industrial prosperity depends largely upon keeping its labor energy strong and fresh. If, day after day, the worker leaves her machine in an exhausted condition this cumulative pressure tends to sap away her vitality, and instead of developing into a more skilled operative she is likely to become less efficient at her task. The passage of the ten-hour law in 1874, however, appears to have put an effectual check to this danger in Massachusetts. Since then the argument of extreme fatigue has been abandoned by labor leaders, who seek to base their claims upon some other ground.

Factory Sanitation and Health.—It is noticeable that from the first, the health remedy proposed was shortened

¹ Derby, G. (M. D.)—Health of Minors in Manufactories.—1871, Senate Document, 50.

² Cowley, Charles—Argument for Petitioners in Ten Hour Bill before Joint Special Committee. Pamphlet, pp. 102.

³ See Bibliography.

hours instead of better ventilation and sanitation for the workroom, which would have seemed the prior need. Possibly this was due to the fact, already noticed, that the working class itself instituted the movement and was hardly in a position to appreciate the importance of the latter reform, or it may have been only the easy confusion of argument with object.

Certainly the construction of old factory buildings displayed little forethought or provision for the health or comfort of employees. Visit to-day the workrooms of an average modern factory, and then that of an old one, be it ever so carefully remodeled to the legal requirements. The light, airy room, and cheerfulness of surroundings in the new stand out against the cramped and gloomy quarters of the old, in a contrast that must convince even the most skeptical of the blessing of this advance. The latter is confined to the workroom practically throughout the day. Under conditions of insufficient ventilation the air of a factory could not long be expected to retain its freshness and to breathe for hours every day such a vitiated atmosphere must have added greatly to the wearisomeness of the day's work. Many processes of production tend, in themselves, to produce injurious conditions, but, until regulated by law, this fact was generally unheeded both by employer and workman, either because of indifference to, or ignorance of, the principles of hygiene. To-day, however, stringent, and, we may fairly say, well-enforced laws control such cases.

The system of ventilation to be used must now be submitted with the plans of every new factory, for approval by the chief of police or the inspector, and those buildings in which it was originally lacking must be remodeled to the satisfaction of the inspectors. To-day, also, there is a special legal remedy in cases where a process which engenders unhealthy conditions is not properly protected, and the inspector is empowered to order the use of such form of ventilating mechanism, or contrivance "not excessively ex-

pensive," as shall answer the necessity of the case. In conditions of ventilation, as the Hon. Carroll D. Wright suggests, the modern factory compares quite favorably with the modern school room or lecture hall.

Ventilation, cleanliness and sanitary conditions are insisted upon in factories, and have certainly done as much to check the slow wearing out of life in the daily round as have safety provisions to guard against the more sudden disasters of accident. We cannot but believe that these more healthful and sunny surroundings have done more than the shortened day to increase the bodily vigor of the factory girl.

Factory Children.—Among regulations which have contributed to protection of health, the laws concerning child labor must take a prominent place. In Massachusetts they have had a great measure of success in expelling children under fourteen years of age from the factory, and in lessening the amount of child labor. This has been an unquestioned physical gain as measured against the serious drawback which steady confinement and monotonous work formerly imposed upon the health and strength of growing children. But let us not enter into discussion where the facts are so palpable and so universally admitted.

Standards of Living.

Next to health, the most important effect must be sought in connection with the standard of living of workers. Conditions here react upon the efficiency of production in a most vital way. Low-grade labor may be an incalculable hindrance to progress in production.

Compare the daily labor accomplishment of England with that of continental countries even in the less skilled occupations. It is a common boast that an Englishman can do more work in a given number of hours than the toiler of any adjacent country. Thomas Brassey attests the superiority

of his countrymen in road-building, navy work, etc.;¹ in Ireland—Belfast excluded—Schoenhof found improved machinery in the woolen mills, but an output "far below" that of England or America.² Cases might easily be multiplied in illustration of this point.

Note further, the difficulty experienced in attempts to force up the labor requirement in these countries, either by increase of machine speed, or by the addition of a few spindles, etc. In Italy, it is claimed that speeding machinery is futile, on account of the slow motion of the women, who cannot keep the pace and only bungle their work. Examples are also given of cases where increased wages were refused, rather than, as a condition to them, accept the care of a larger machine such as was regularly tended in England or America.

What then is the origin of such differences in labor capacity? Among the causes usually given the *physical superiority* of the Englishman stands first. It has been openly recognized in Germany. Why is he stronger? Because he lives better, more healthfully. "The English workman lives on meat and wheat-flour bread, whilst potatoes form the chief sustenance of the German factory worker."³

The relation and sequence of cause and effect have been carefully studied and sufficiently argued; we may sum up the general conclusions in a sentence.

Better food requires higher wage; consequent physical efficiency warrants reduction of working hours; more leisure gives opportunity for education, increasing the worker's intelligence; this in turn contributes further to labor ability; time and education foster social life and desires, and so act to improve home surroundings (more cleanliness, comfort, etc.); they react upon industry by increasing the home market for goods. The development thus forms a continu-

¹ Brassey, T.—*Work and Wages*. Ch. IV.

² Schoenhof, J.—*Economy of High Wages*, p. 39.

³ Schulze-Gaevernitz—*Cotton Trade*, p. 19. See also, Brentano—*Relation of Wages and Hours of Labor to Work Accomplished*.

ous spiral. Though a slow process, it is, nevertheless, a sure advance toward higher standards of living.

"There being no uniform and established standard of wages, they vary according to the expenses of subsistence in different countries, and the conditions in which the laboring classes are willing to live."¹

Schulze-Gaevernitz, Schoenhof, Brassey, Atkinson, and other authorities, contend that higher wages can and generally do go with lower labor costs in production, and tend to encourage the introduction of labor-saving machinery; while the increased power of consumption fostered in the laboring class, has been one of the strongest influences extending the English and American home markets.

Returning to the case of Massachusetts, what testimony is there that the legislation reviewed has contributed to raise the standard of living of workers? The same answer is given to this question by employer, inspector, labor leader and charitable worker.

At his work the operative has become accustomed to cleanliness, air, light, and good order and has begun to miss them, if they are lacking in the home. Thus the general verdict is that the legal requirements in regard to sanitation and so forth in factories, which have so altered the surroundings of workroom life, have at the same time served perceptibly to encourage like cleanliness and care-taking in the home.

The menace of coming illiterate generations which was not at all to be scoffed at in 1870 is no longer feared. Thirty years ago children, as young as eight years of age, were often to be found at work in mills and workshops, but to-day a legal age limit which banishes children under fourteen years from employment meets with general compliance. The aforesaid "factory children" have become the "school children" of to-day. If there are still illiterate minors, they must lay chief blame to themselves. There is not to-day any

¹ Walker, Hon. Amasa—*Science of Wealth*, p. 225. See also Gunton, G.—*Wealth and Progress*.

lack of opportunity; lack of appreciation of opportunity is the cause of such illiteracy as prevails, and is confined almost entirely to the newer foreign element. The best devised law and strongest police force would be obliged to content itself with incomplete achievement here.

Opposition was at first made to the weekly payment of wages. It could be no advantage to the thrifty, who easily secure credit and with monthly pay have the advantage of buying in bulk; it would be an injury to the weak and dissolute, substituting four monthly temptations for one. This statement of opinion on the part of some employers has not yet received the support of figures.¹ Intoxication has not increased; for superintendents make short work of dismissing such unreliable service, with most healthfully sobering effect.

Workers themselves claim an advantage in cash payments, which allow them to trade where they find the best bargains and not only where they can obtain credit. In Lawrence it was remarked that rent, food, etc., fell in some cases nearly 20 per cent, and shops where operatives used to trade exclusively were forced to cut prices and encounter close competition.² Under the system of monthly payments, operatives had also frequently found themselves obliged to ask for wage advances, a favor generally heavily discounted at the office, often at the rate of 10 per cent.³ Weekly payments appear, indeed, to have conduced to home economy on the part of the workers.

Citizenship.

Lastly, has this legislation had any effect upon the development of citizenship? The shorter hours conceded by law to labor have been little "misused" and have caused no "increase of laziness." The solicitude indicated by this ob-

¹ See Inspectors' Reports. This testimony was corroborated in interviews by several employers who had made previous voluntary experiment.

² Massachusetts Police Report Inspection, 1887, p. 59.

³ Porritt, E.—Factory Legislation in United States, p. 192.

jection appears almost hypocritical in face of the silence which never questions the propriety of erratic shut-downs at the convenience of manufacturers.

The argument for shorter hours appears to be strongly supported here. From the beginning, advance towards civilization, and in civilization towards higher attainment, has been conditioned upon leisure time beyond that necessary to the gaining of a livelihood. It is a wide law and it applies throughout. Leisure is equally a requirement for the advance of our laboring classes to better conditions of living.

Short hours in Massachusetts have contributed their increase of opportunity which has not been neglected. Not only do we find libraries and lecture courses offered; but to-day, as never before, labor flocks to use these and asks always for more of them. On a half-holiday we find many in the public museum or gallery. Compare these Massachusetts operatives with those of other states. They stand the acknowledged leaders of their class in this country, organized, intelligent, progressive.

Perhaps their voice has grown stentorian, but they are ready and able to argue their point. It is the testimony of the Board of Arbitration that operatives have shown a knowledge and appreciation of the methods and aims of arbitration, and an intelligent recourse to them, quite equal to that of their employers. The trade union with its problem of organization and its school of free discussion has been the chief instrument in this education, but its efficiency has depended upon hours of leisure away from the factory. Experience of social intercourse, of the necessity of discipline in trade-union organizations, and of the weight of logic in argument have given workingmen a new appreciation of their own relation to order, government and the community.

Summary.

The legal sanitary requirements of cleanliness, light, ventilation, etc., in the factory act to improve the health and

spirits of workers, and tend to induce the same conditions in their homes.

Restrictions upon child labor have expelled at least 75 per cent of the original number of working children from employment, substituted the schoolroom for the factory, and regulated work for minors in general.

Weekly wage payments appear to have encouraged household economy rather than to have fostered dissolute living.

Restrictions upon labor have brought increased social and educational opportunities within reach of operatives; have advanced the interests of good citizenship among them; have tended to raise their standards of living, with important economic consequences in broadening the home market.

CHAPTER IV.

MASSACHUSETTS LABOR LEGISLATION VIEWED FROM THE STANDPOINT OF ECONOMIC THEORY.

The Position of Government—Principles of Government Interference—Critical Review of Massachusetts Labor Legislation upon the Basis of the Study Presented.

We have now studied the labor laws of Massachusetts, noted the influences which led to their enactment, and examined their practical enforcement by inspection and prosecution. We have reviewed such facts as could be collected to show the effect of these regulations upon industrial and other interests. We are now in a position to judge this legislative accomplishment from the viewpoint of economic theory.

In how far has Massachusetts labor legislation been in accordance with the teachings of economic theory? What are the teachings of economic theory?

The Position of Government.

First and foremost stands the economic principle that the individual knows best what conduces to his own interest. It is the economic side of the ethical doctrine of the right of the individual to freedom for self-development, or self-realization.

In human history the individual has not been equal to coping alone with his task even of self-preservation. Men have therefore congregated into companies, tribes, hordes and nations for mutual aid and protection. Within such groups however there have arisen antagonistic interests, as between individuals. The self-seeking of one conflicts with the well-being of another. They limit each other. Such conditions could only lead to a struggle in which the less strong must fall. The counter-balancing requirement of united action was put upon each group by external warfare between tribes. Thence was imposed the necessity of preserving internal peace.

Now conditions were ripe for the coming of government. Government was born to the duty of adjusting the contending interests of individuals for the "common good." From the first it put restraint upon this or that individual only to secure the "greater average freedom of all."

How did government know how to govern—what to allow, what to forbid? The general answer is, it did not know, it had to learn by centuries of experiment. Unequal were rewards and punishments in its school. The test was survival.

The evolution of government has accompanied and accorded with the stages of economic progress. In its relation to these economic and industrial interests of advancing civilization, the historic tendency of growth is distinctly traceable. Its first office was to preserve a semblance of order and security. From protection, we see it, in the Middle Ages, advance to regulation of industry, often extending to the most minute details of occupation, such as the rate of wages to the worker, the length and breadth of goods, the place of sale, etc. Industrial advance, however, broke over these stiffened, hindering enactments, and a new economic doctrine of non-interference or *laissez-faire*, was evolved.

From protection, to regulation, to free contract; such has been the development of the relationship of law to in-

dustry. The lesson of all evolution is that such a course of advance cannot be disregarded by the law-givers of to-day. Legislation must keep in line with that which has gone before.

Principles of State Interference.

Principles are always deductions from sequences of fact. The facts of the history of governmental development lead the philosopher and the man of common sense alike to hold the following beliefs:

1. The freedom of the individual to pursue his own interests as he will, must be respected.

2. Where conflict of interests arises the "common good" takes precedence over the desire of the individual. This is the basis of justice, the teaching of humanity, the ground of patriotism. But let the state here recognize a moral limit and not invade to degrade the manhood of its least member.

3. Law must be guided by experience.

In sum, the policy "*laissez-faire*" must be corrected by such interference as experience has taught will result in greater benefit to the community.

And what has experience taught? The Duke of Argyle put the outcome most concisely when he said: "The two great discoveries of this century are (1) the advantage of freedom in trade, and (2) the necessity of restriction of labor."

We are here especially concerned with the second of these discoveries.

Suppose labor to be left unrestrained, what would be the natural course of its life in industry?

1. Competition between producers encourages all possible reduction of costs. This tends to reduce wages, to increase the use of child labor, to perpetuate long hours of labor, etc. A few unscrupulous employers, resorting to such oppressive methods, are able to force others to adopt the same policies. The interests of the employing class range themselves against those of the operative class.

2. In the struggle which results from this antagonism the employer has the advantage of position to force his own terms of contract upon the laborer. He has in his hands an accumulated capital which is equivalent in power to effective organization.

3. These industrial conditions, left to take their own course, react upon the home and general social surroundings of labor to force down the worker's standard of living. This is an injury which no community can afford to tolerate.

Here, then, are distinct evils. Who is to right them? Employers cannot do so without widely organized effort. Their personal interests are directly opposed. The laborers have indeed made some attempts to improve their own condition, also by organized effort. Their success has been too local, too spasmodic, too slight. The end has not been accomplished. Furthermore, the worst effects of unregulated labor are found, of course, where labor is least able to protect itself against these evils.

Will not the philanthropic community come to the rescue? Doubtless, when its attention is at last attracted, but it is hard of hearing as a pagan god. It has not yet gone seriously to the task. It calls upon the government.

This, the State, remains. The guardian of the public good alone stands in strength and position fitted to assume the responsibility. The State must interfere to protect and adjust the interests of labor within the industrial mechanism.

The evil tendencies, above noted, point here to the field within which state interference may be justified. (1) The State may determine the "plane of competition." (2) It may equalize the conditions of contract as between employer and employee. (3) It may intervene to protect the standards of living of the workers. The only limits that theory places upon these three lines of interference are considerations of the general good.

In comparing these ends, local circumstances present each case of abuse or evil to the legislator, as a separate problem

for solution. Each case must be weighed and dealt with upon its own merits.

The following criteria may be laid down:

1. Against the presumption of present good ("prevailing conditions must be at least endurable"), there must be brought positive proof of evil, and of a degree of evil to warrant interference.

2. There must be certainty that remedy cannot be looked for from individual initiative, from self-cure, or through growth.

3. The legislator must be assured that the law proposed will not create other evil to counterbalance the good.

4. The regulation must not lose itself in detailed discrimination between cases, or in too minute regulations.

5. It must not give a dangerous precedent for future action.

6. It must be enforceable. The law must not be lacking in technical form as entered upon the statute book, nor must it trust to questionable or insufficient police force outside. Unenforced laws are worse than no laws at all, for they throw discredit upon the governing power.

7. Concerning the legislation of a Commonwealth within the United States, another requisite of importance must be considered. Such legislation must be constitutional. Does it contravene "freedom of contract?" Does it exceed "police powers?" Is it "class legislation?" These questions must be answered.

Critical Review of Massachusetts Labor Legislation.

Bearing this study of facts and theoretical teaching in mind, the criticism of Massachusetts labor legislation may be essayed.

Child Labor.—The condition of unregulated child labor presented convincing proof of evils. There were none at hand to bring the relief which was a pressing need. Greedy parents would bind out their children for the most paltry

sums, regardless of health or education, to eke out their own earnings. Employers were interested to maintain a large market of cheap labor.

The experience of England in government interference with child labor had given examples of such legislation without ulterior harm. The laws affected the plane of competition throughout the state. The less fully supplied labor market attracted immigration of other labor, and led to the betterment of machinery, child laborers could not be driven elsewhere, being bound to their homes. Justice to the child, and the future good of the community demanded such interference.

The regulations passed were fairly clear in their application, and attempted to control but four points: (1) age, (2) schooling, (3) hours of labor, (4) kinds of labor. These remain to-day practically the only subjects of the child-labor laws. They were from the first commendable, since they struck at once at the root of the evil.

We may pass at once, therefore, to a consideration of the enforcement of these requirements. Opposition, as above indicated, appeared even before the passage of the original bills.

Given such opposed interests, it would seem as if ordinary common sense or practical business knowledge would have led men to expect attempts at evasion. False statements would, of course, be offered. Therefore, they ought to have been guarded against by some means of proof of statement and penalty for untruth. No such guard, however, was provided. Even the original use of a school certificate was to protect the employer, since no guarantee of its reliability was required.

Again, ordinary experience would have seemed entirely adequate to convince any one that "willfulness" of violation would be almost impossible to prove, and "knowing" violation nearly as difficult. It would certainly have been more sensible, and more within the understanding of all, if some

definite criteria, by which to judge or justify actions, had been originally given.

It was another obvious misstep to leave enforcement in the hands of truant officers and city officials, and expect its accomplishment. English experience was ample to furnish warning here. The only possible excuse for such negligence would be lack of funds to meet the expense of additional policing, but this ought certainly to have been considered when the proposition of law was first brought forward. It could hardly have been seriously believed that a mere threat would be enough to check the evil.

Beyond this, those who were charged with the duties of inspection and enforcement were not given the powers most obviously necessary to the work; they were entirely thwarted by a simple refusal of admission.

It is not here contended that a perfect working law was to be expected from the time of the first enactment. Refinements could, of course, only come through careful study of the practical operation of such legislation. It is, however, insisted that such obvious weaknesses, as those noted above, should never have been left totally unguarded, by men of common sense, in any serious attempt to grapple with the problem presented.

As the law stands to-day, after its tedious history of halting advances, it must be granted that it is wholly praiseworthy. Its practical enforcement and its obvious action for good are its greatest recommendations.

It has been argued that the early child labor laws were not enacted with any idea of strict enforcement. If in 1866 or 1867 it was time to interfere at all to stop the evil of child labor, it was time to stop it entirely. If the law was regarded solely and simply as a political measure, it is no longer to be judged as law. The use of law as a tool of party policy can find absolutely no ground either of economic or ethical justification.

Hours of Labor.—The ten-hour law of 1874 was the out-

come of a long and bitter struggle. Restriction was asked only in favor of women and minors. The evils complained of as the results of long hours were overwork and ill health among these operatives; also that laborers were cut off from all social life.

In the case of this law, some care was given to an investigation of allegations and to a forecast of the probable results of legislation. The method was scientific, even if the discussion was not scholarly.

Ill health was not sufficiently proven, but the fatiguing effect of long hours was made evident. The argument of social benefit outweighed the fear of harm. Claims of increased efficiency in the operative were offset by proof of the burden upon production. The balance of opinion favored the law.

It was decidedly likely that such shortening of hours would have come in time through an improvement in processes of production and the demands of organized labor. In certain branches of industry such results had already been accomplished (as in the building trades). However, where the need was greatest, the likelihood of natural remedy was most remote. The textile industry, for example, was latest to reduce hours, and there many women and children were employed.

It is to be noted also, that Massachusetts was in a condition of prosperity which warranted the trial of an uncertain experiment. This was not, of course, a reason made prominent in the discussion, but it must, nevertheless, have been an influence felt in the result.

The details of this law have been a problem to the wisest. The original statement would appear both clear and exact, yet it met decided rebuff. We notice at once the reappearance of the word "willfully," which had been seen already to nullify the intent of the child-labor law of 1867. If, therefore, we criticised the folly of allowing it in that measure, we are warranted in condemning the obstinacy which, with open eyes, inserted it here.

A difficulty which arose in connection with another clause could hardly have been foreseen, and is not easy to remedy. In justice to the manufacturer, the statute permitted overtime work to make good loss of stoppage for repairs in a previous day of the same week. But this allowed exception has been used as defence in cases of flagrant abuse. It was thought that the balance would be kept by the limitation upon the total number of working hours per week. This imposed, however, an impossible task upon inspectors, who were compelled, in the absence of the operatives' testimony, to watch a given case for a whole week continuously to prove any overstepping of law. A check has now been entered in the requirement that overtime shall only be allowed when stoppage has exceeded thirty minutes and been duly reported in writing to the chief of district police or the inspector.

Again, unreasonable time was given to the starting and stopping of machinery. An inadequate amendment was passed requiring notice of the time thus allowed to be posted with the general statement of hours, with the sole result that legal recognition was given to the abuse which it was sought to stop. It is well that the wording has since been more skillfully corrected to a required statement of the hour of starting and stopping work.

The reticence of employees and their aversion to giving testimony nevertheless continues, and doubtless will long continue to be a stumbling-block to the enforcement of the act.

The character of this law as a constitutional measure and legal precedent has been adversely criticised. In other states Supreme Court decisions have been rendered against similar measures.¹ They are considered opposed to the principle of "free contract," the liberty of the individual, etc. The reality of the "freedom" here interfered with would in many cases, however, be a question open for dis-

¹ California Supreme Court, 1895, 39 Pacific Reporter, 329. Illinois Supreme Court, 1895, 40 Northeastern Reporter, 454. Nebraska Supreme Court, 1894, 41 Nebraska, 127.

cussion. In Massachusetts the act was sustained upon the ground of the state's "police authority," and as applying to women and children, considered wards of the state (120 Mass. 383).

In that instance police authority certainly received support from the prevailing ill condition of woman and child labor. It could not perhaps, so confidently, be offered in defence of further restriction. We must note, therefore, the danger of the precedent here given. Since the enactment by the legislature of statutes which reduced working hours from sixty per week to fifty-eight per week has been adjudged to be within its constitutional powers, can it not constitutionally continue to exercise such power in further restrictive laws? Is it not to be expected that other measures for curtailment of hours will lay claim to constitutionality upon the ground of the likeness of the restraint called for, and pass unchallenged for the necessary proof of a like justification in an evil under police control? The legislature as well as "public opinion is in the highest degree indiscriminating."

Safety and Sanitation.—The original principle of personal freedom, and non-interference upon the part of government, would seem to apply in the case of the employer's personal interest in the sanitary and safe condition of the workrooms; in the employee's ability to look out for himself in the neighborhood of dangerous machinery, and his right to run such personal risk as he thinks fit. An immense body of evidence is, notwithstanding, brought forth to prove the disregard or neglect of employers in matters pertaining to health and safety in their shops, and also the carelessness of danger upon the part of workers there employed. In face of such facts, therefore, the weighty economic and ethical consideration of the value of human life must dispel scruples under the first stated principle. This must also brush aside the inconsiderable objection that such protection tends to foster recklessness in the operative.

The necessity of these legal regulations is their universally accepted justification.

The duty of enforcement of these laws, given into the hand of inspectors, carries large discretionary powers in the decision of what is "adequate" provision. Especially, in cases where appliances not contemplated in the ordinary law, are offered, very careful judgment is called for. Such power is, however, wisely guarded and placed in fairly trustworthy keeping by the civil-service examination put upon those entering the department.

Under this head, it is quite true that regulation tends continually to run more and more into minuteness; but again exception must be allowed to the general principle. They tend to make distinctions clearer and requirements more definite, and have proved a practical aid and no hindrance to enforcement.

These have been the least questioned of Massachusetts laws bearing upon conditions of labor. Their enforcement to-day is strict, receiving also the co-operative support of the employer's liability act, which tends to make the guarding of unsafe machinery appear the more desirable to the manufacturer.

Employer's Liability.—The law holds a sane man responsible for his own actions; if he employs another to act for him, he is held responsible also for such agent or servant. This is the theory which underlies the right at common law of a man to recover damages for injuries sustained through the fault of another.

Extended to industrial relations of employer and employed, however, the principle becomes modified in the common law of the employer's liability. The master is held liable to an employee for the results of his own culpable negligence, but not for the negligence of a fellow worker, *i. e.*, one in the same employ but not superintending said operative.¹ Also in case of incidental accident he may

¹ W. D. Taylor, "Employers' Liability," p. 46.

exempt himself from all responsibility by shifting the weight of risk upon the worker in a special contract, or by giving him express warning of danger; while in any case contributory negligence, upon the part of the injured workman, is defence. Let an example illustrate:

In a railroad accident a mis-turned switch sends a passenger train into collision with side-tracked freight cars which are being unloaded. Two men are injured, one, the drayman of an express company, falls under the wheels of the freight car as the shock drives it forward, and loses his leg in consequence; the other, a brakeman, is thrown from a passenger car platform, severely fracturing his skull. The cases are alike in that there is no contributory negligence on the part of those injured. The drayman being unconnected with the railroad could recover full damages for his leg, but the brakeman, though incapacitated for work for the rest of his life, was fellow employee with the careless switchman and could not bring action against the company.

The original justification of the distinction was that fellow workers were known to each other and each was aware of the degree of carelessness or responsibility to be expected of the other, and therefore, of the risk incurred. With men working at the same bench or anvil, this might be true enough, but as applied broadly to our great modern industries it no longer agrees with the facts. The brakeman on an express passenger train between Boston and New York cannot know the capabilities of way switchmen, nor can the factory operative know the trustworthiness of the engineer.

Lord Holt in England, early judged the master liable for the negligence of his servant. Lord Abinger's decision in 1837,¹ brought in the above doctrine of common employment and was an exception later followed by Massachusetts for reasons of "public policy," in Judge Shaw's decision in

¹ *Prestey v. Fowler*, 13 M. & W. 1—(Mason & Wellsby), Eng.

the *Farwell v. Boston & Worcester Railroad* case.¹ It has, therefore,, since formed part of the body of law of that State.²

This common law was for years, both in England and America, the only agency through which an employee could recover damages for injury. The strong defences therein given to employers made it but an ineffectual remedy.

During the nine years ending in 1881, the *Railroad Gazette* chronicled in train accidents alone 1,266 killed and 1,478 injured in Massachusetts. Of these more than one-quarter of the deaths and nearly one-half of the injuries were among employees. In 1881, upon railroads alone, 72 employees were killed and 128 injured.³ Reports of these accidents—except in cases where death resulted—were not entirely reliable, at that date, and there were no returns of accident in mechanical industries.⁴ It was estimated that in less than 10 per cent of the cases of death and injury, just quoted, were any damages recovered; although at least half of these accidents were due to causes beyond the control of those who suffered from them.⁵

In England, under the Common Law, during four years not a single instance of recovery of damages by an employee came to the knowledge of any of the officers of the Society of Railway Servants; although during the four years, from 1872 to 1875 inclusive, according to the report of the Royal Commission, 238 were killed and 172 injured, from causes beyond their own control.⁶

These cases were in marked contrast with those of other individuals who, in all else, stood upon equal rights of citizenship before the state. The question, therefore, naturally arose: Why should there be such arbitrary distinction between man and man? Why should this guard on life be

¹ 4 Met. 49 (Mass.).

² Report of the Mass. Bureau of Statistics of Labor, 1883.

³ *Ibid.*, p. 3.

⁴ *Ibid.*, pp. 72-73; 95.

⁵ *Ibid.*, p. 94.

⁶ *Ibid.*, p. 95.

given in one case and omitted in another? Why should the individual be held for damages; the industrial body freed of responsibility? Remedy lay alone in a remodeling of the law.

Urged by continued complaint, England at last passed the Employers' Liability Act of 1880, "to extend and regulate the liability of employers to make compensation for personal injuries suffered by workmen in their service." Although the threat of this legislation had aroused the apprehensions of employers, and there was much discussion and bitter opposition, the law itself appears to have had no serious effect in increased recovery of damages. The Massachusetts Bureau of Statistics, making report on this subject as ground for legislative action in Massachusetts, called it "a sham reform."¹

It may, therefore, be of interest to make brief comparison of the later Massachusetts Law (1887, c. 270) with this English forerunner and example.

The English act provided in brief:

Sections 1 and 2. Common employment shall not be a defence where a workman receives injury:

1. By reason of any defect in the ways, works, machinery or plant connected with or used in the business of the employer, which defect existed in consequence of the negligence of the employer, or of an employee by him entrusted with the duty of guarding against any defect.

2. By reason of the negligence of any person entrusted with superintendence.

3. By reason of the negligence of any superior workman whose orders the person injured was bound to obey.

4. By reason of obeying proper rules or by-laws, or any rule or by-law approved by certain public officers therein specified.

5. By reason of the negligence, on a railway, of any person at the time in control of the train.

¹ Report of Massachusetts Bureau of Statistics of Labor, 1883, p. 127.

Unless the person injured knew, or failed, when necessary, to give notice of the defect which caused the injury.

Section 3 limits the sum recoverable as compensation.

Section 4 limits the time for recovery of compensation.

Section 5 makes any penalty received by any other act part payment.

Sections 6-10 trial—definitions, etc.¹

The Massachusetts act provides :

If an employee—himself “exercising due care and diligence”—is injured :

1. By machinery, etc., defective through the negligence of the employer or his servant appointed to keep it in repair ; while the employee was ignorant of the defect, or had given warning of its presence.

2. Through negligence of one exercising superintendence.

3. Through the negligence of one “in charge or control of any signal, switch, locomotive engine or train upon a railroad,” the employee or his legal representative “shall have the same right of compensation and remedies against the employer as if he had not been an employee.”

Section 2 provides for recovery by dependent relatives in case of death.

Section 3 states the maximum compensation and provides deductions in cases where the employer has contributed to a benefit fund.

The similarity of these acts amounts to identity in important details. Employers remain under the same Common Law duties, but these acts add new liabilities and remedies. There is no guarantee in the wording of the law against accident through hidden defects in machinery. Contributory negligence remains, and workers of the same grade—neither in position to command the action of the other—stand as before. Both statutes indulge in general terms upon which cases may easily turn. Although in other law

¹ Report of Massachusetts Bureau of Statistics of Labor, 1883, p. 52.

no limit is put upon the amount of damages recoverable, here such maximum amount is stated. Possibly this is due to the influence of the old doctrine that the right of action died with the person, a doctrine broadened by Lord Campbell who continued that right to relatives under a limitation in the amount of damages recoverable.

An important difference between the English and American law is in respect to contract. Both acts correct the inference of implied contract, but in England express contract could be drawn to exempt the employer from actions under this law, and at the first passage of the act this was at once his resort. In Massachusetts, on the contrary, such contracts do not hold (1877, c. 101; 1894, c. 508).

Much more discussion has been wasted upon the theoretical argument for, or against, these laws, than upon the question of their practical benefit.

We have the situation of a Common Law protecting rights of a stranger to recover damages of another, whether inflicted through the carelessness of that man's servant, or through the unsafe condition of his machine. Such liability is justified by the legal doctrine of "*respondeat superior*," a survival of the earlier system which gave the master of slaves, as of children, the position of authority and responsibility of the "*pater familias*." Since, however, slaves had no civic rights, the master did as he pleased concerning injury inflicted by one upon the other. Conservative law stands almost at this stage to-day.

But the progress of civilization has eliminated the slave. The operative in personal rights is considered the equal of any other man. If we would be consistent, therefore, in our law, we must either usher into practice the doctrine that a man is answerable only for his own personal fault of negligence, or else that he is equally responsible to employee and stranger in cases where the contributory negligence of the employee has not materially affected the result.

For generations the law of liability to strangers has proved

of practical benefit to the community; it places the responsibility upon those who hold the corresponding power. It is not likely that so old and valuable an institution will be swept away for any whim of theory. Indeed the theory of the responsibility of power is fast growing to support it. Therefore the law to-day tends rather to the other alternative of extending the provision to cover stranger and employee alike.

In this connection it will be most interesting to watch the history of the new English law—the Workmen's Compensation Act of 1897.

In spite of faults, we cannot but consider that the Employer's Liability Act of Massachusetts is a law of some value. Even her apparent leisureliness of motion should be allowed good policy in that too sudden change might involve serious disturbance in the readjustment of industrial interests.

Wage Payments.—In dealing with wages, the legislator enters upon a distinctly economic field. In olden days this was a favorite subject of law, and we find regulation of wages when other conditions of labor were entirely untrammelled. To-day better knowledge of the economic necessity which governs those rates—annulling attempted legislative interference—has taught the state to leave such determination to the natural action of competition, of supply and demand.

Upon what ground, then, has government attempted regulation of *periods of payment*, and especially where is the excuse for acts against *finer* which, in a given case, touch directly the *amount* of an operative's wage?

The ground is the right which the "police power" gives the state to interfere to check abuse. General rates of wages must be left to market determination, but within that market the individual seeking employment is, in many cases, forced to acquiesce in a contract disadvantageous to himself, where the employer holds a position to dictate. Often in cases of

"truck payment" employers have gained unwarranted control over workers, with such detrimental reaction upon their standards of living that the evil justified acts of police protection.

In Massachusetts weekly payments are cited as a parallel case of legal interference and should be supported by the same argument. In face of the facts, however, it is impossible to maintain the plea of actual injury. We have found evidence that such payments result in benefits to the household economy of workers, and, therefore, may logically encourage efforts of employees to secure it, or the labor union's struggle for it. But as the situation stands, it seems hardly dignified for government to interfere in the question at all. It offers but another encouragement to undue reliance on paternal government to let a central authority supply the lack of self-dependent effort on the part of organized labor.

The act may even appear seriously questionable from the standpoint of constitutional law. Does it not oppose "free contract," "exceed police powers" and apply to but a single class of the community?

It cannot even be argued that it puts bargainers upon equal footing. It does not say: "A shall not bully B," but instead "A shall do in full as B has demanded." There is not even the sign of compromise at fortnightly payments.

Here, then, is state action not to determine the "plane of competition," and not putting worker and employer on an even footing in their business negotiation. It has not been claimed in discussion of the subject that monthly payment is an invasion to lower the standard of living of the community. We cannot, therefore, clearly see either practical or theoretical argument for government interference in this case. As a matter of fact this law has not yet worked out its own enforcement. In itself it seems rather a harmless measure, except as it may stand as precedent for more serious future indiscretions.

It is here noteworthy that in Massachusetts the system of "truck payments," which existed to but small extent, was never so abused as to raise complaint, or demand legislation. Massachusetts has no "Truck Act," but her laws command weekly wage payments.

What of the fine prohibitory law? Fines are to-day the chief and most effective means of discipline in the factory. They are imposed both for tardiness and bad workmanship. It is the opinion of inspectors that they are the means of the greatest abuse now to be found in factory life. On the other hand, employers declare that the statements concerning cases of abusive fine greatly exaggerate the evil. A moderate use of fines must be allowed just, in that it would be unreasonable to expect an employer to give equal pay for good and bad work alike, and also suffer the loss in materials due to workers' blunders. It is said that such damaged work goes to market and is sold just the same, but that is not quite the fact. The manufacturer has the reputation of his goods to guard, and when such imperfect work is sold, it must be sold as imperfect and at less price, often not such as to cover the entire cost.¹

In protecting the worker from the unjust exaction of an employer, the border line should not be crossed on the other side. Total prohibition of fines leaves the employer at the mercy of unskilled employees. His only resort must be prompt dismissal. This has, indeed, been the practical effect of all of this ill-considered legislation. It has, therefore, worked hardships upon employees greater than that connected with the fines complained of.

Although abusive fines are often to be found in mercantile establishments, legislation has confined its efforts to fines upon weavers in textile mills alone. If the abuse can be proved serious enough to justify this interference at all, the government has certainly done well in its deliberate ex-

¹ "Fines exacted never even approximate an equivalent for loss."—Bulletin of Wool Manufacturers, January, 1891, p. 115.

perimentation with ways and means, to confine its attention to a given industry, where the effect of enactment may be a visible guide for any further action contemplated.

The policy of treatment has already been most vacillating. First came restriction of amount of fines, of cases finable, of method of levying fines (1887, c. 361). Then all fines were prohibited (1891, c. 125). Then "grading" for imperfections in work was allowed as agreed to by both parties.¹ In 1898 a bill was again presented to the legislature for total prohibition, but in face of the court's decision, which had pronounced a similar predecessor unconstitutional, it, of course, was defeated.

A serious investigation and study of the situation would seem imperative before further inconsistencies are perpetrated.

General Criticism.—One of the points which our review has most prominently forced upon our attention, is the way in which a Massachusetts legislature decides the question of evil and degree of evil. In every case it has been the shout of the complainers that first attracted attention; it has been the persistency and strength of outcry that secured the action for relief.

Studnitz, in his study of American labor, summed up the situation in the statement that American legislation has been determined by the political and social strength of the laborers demanding it, rather than in accordance with the natural needs and varied conditions of industry within the states.²

We have, in consequence, found cases of entirely inadequate investigation and study of the conditions to be remedied, of the necessity and probable results of legislative interference, or of the experience of other places in like cases.

Faulty construction of some early laws, where ordinary common sense would have seemed sufficient to guard against

¹ 1892, c. 410.

² Studnitz—*Nordamerikanische Arbeiterverhältnisse*, p. 426.

such error, vitiated enforcement and threw discredit upon the governing power. There has been frequent complaint that "upon the one hand he who wants it places his law upon the statute-book, and on the other hand he who does not desire it commits almost unmolested the acts forbidden by it."¹ It gave ground for the shameful charge that these laws were only political measures. Howbeit, it is but fair that we hasten to say that legislation to-day has well outlived such serious faults.

The demands of labor still direct the course of legislation, but there is room to argue that this is a virtue rather than a fault. Labor has not thus far grievously mistaken its own needs. To-day, also, the question once presented, a qualified bureau stands ready to make careful study of the claim. Only when such measures as the weekly payment and fine laws are entered upon the statute-book, do we find occasion now to question Massachusetts' labor policy.

Others, indeed, have criticised, from this standpoint, her present short-hour legislation. If, however, Massachusetts goes no further,—at least until surrounding states have taken corresponding position,—there seems no good ground for serious objection. The law doubtless operated to hasten Massachusetts' industry into the stage where sixty hours, or even fifty-eight hours a week could be profitably given. Complaint to-day comes chiefly from the cotton mills.

That the Massachusetts cotton industry is, as concerns labor, at a disadvantage in its Southern competition, is indisputable. The first expedient was a reduction of wages;² the second would be lengthened hours.³ If then the situation assumes such consequence, why should not taxes also be reduced? Let the process continue.

¹ Adams, Jr., *Labor Question*, *North American Review*, January, 1872.

² Cut of ten per cent in textiles, Jan., 1898. Wages now rising with generally increasing prosperity must still face the menace of southern competition, which reacts upon them whenever there is any stringency in the market.

³ Note the prevailing tenor of discussions of the situation.—*Arkwright Club and Bulletin of Wool Manufacturing*.

In a most exhaustive treatise upon the question of international labor legislation, Dr. Adler¹ studies the ever-increasing competition between European countries. He shows how each in turn—England with high protection of labor; France with less; Belgium almost unrestricted—has felt the tightening grasp. They approach the same limit. The English operative stands to-day in a position of respect among his fellows, while the condition of his Belgian neighbor elicits only pity.

Why should Massachusetts retract her laws? The same conditions must be faced again. Is it for her, thus far an example, to pattern her future to match the labor conditions in Alabama? This would mean double retrograde, absolute reduction of past standards in Massachusetts, and the margin for advance cut off from Southern labor.

In other states a number of the labor laws brought to trial before high courts have been swept away upon a verdict of unconstitutionality, in that they "contravene freedom of contract," are "class legislation," and so forth.

"There is not in the Constitution of Massachusetts, anything which in terms relates to the freedom or liberty of contract, as, for instance, there is concerning the liberty of the press. . . . In early times, after Massachusetts became an independent state and before the adoption of the Constitution, the General Court passed laws regulating minutely the prices of commodities and in certain respects the prices of labor. See Prov. Sts. 1776-77, cc. 14, 46; 5 Prov. Laws (State Ed.) 583, 642. And there has never been at any time in Massachusetts an absolute right in its inhabitants to make all such contracts as they pleased."²

The Constitution, indeed, especially states (c. 1, Sec. 2, Art. 4) "full power and authority are hereby given and granted to the said General Court from time to time to make . . . all manner of wholesome and reasonable orders,

¹ Adler, G.—*Die Frage des international Arbeiterschutzes*.

² 163 Massachusetts, 591.

laws, statutes, etc., . . . as they shall judge to be for the good and welfare of this Commonwealth, and for the subjects of the same."

Upon one important issue Massachusetts courts have already passed a sustaining verdict; the present limitation of the hours of labor is constitutional (St. 1874, c. 221); "it violates no contract of the Commonwealth implied in the granting of a charter to a manufacturing company; it violates no right reserved under the Constitution to any individual citizen, and may be maintained as a health or police regulation. A law which merely prohibits a woman from being employed in any manufacturing establishment more than a certain number of hours per day or week, does not violate her right to labor as many hours per day or week as she may see fit, and is within the power of the Legislature to enact."¹

At the time when the bill for the extension of the act concerning weekly payment was before the Legislature, the Justices returned as a reply to the House of Representatives: "We cannot say that a statute requiring manufacturers to pay the wages of their employees weekly was not one which the General Court had the constitutional power to pass, if it deemed it expedient so to do."² It seems unlikely that any others of her existing labor laws will be brought to this test. They have been generally beneficial to public interests. They have been pretty cheerfully accepted and obeyed. They have gained the strong approval of the community in general. They have the political support of a large labor party. Probably such an attack could only be precipitated by the ill-advised enactment of further laws absolutely and sufficiently injurious to the economic interests of the Commonwealth to force the step as a measure of self-defence.

In other connections we have already noted minor weaknesses in the forms of certain laws, ambiguity of expres-

¹ *Commonwealth v. Hamilton Manufacturing Company*, 120 Mass. 383.

² 163 Mass. 589.

sions, carelessness of construction or other technical failing. The unnecessary slowness, also, of the process of correcting such shortcomings cannot have failed to be remarked. Excuselessly ineffective child-labor laws trailed one after another for over forty years. In 1870 the new Bureau of Labor reported critically upon existing law, pointing out its flaws and recommending provisions, which, if they had been enacted, must have struck at once at the fundamental difficulties. This, however, passed without notice, and when the subject was again dealt with six years later, the statute reflects little benefit from the painstaking study which had been given its predecessor. How often the same thing has happened throughout our country! Our legislatures appoint committees, bureaus and commissions to investigate and report, and then, in characteristically independent fashion, pursue their own course without reference to them. The ten-hour law stood five years upon the statute books before constant complaints at last drew active attention to the obstructive clause which made "wilful violation" alone punishable. Indeed, illustrations may be drawn from every division of these laws.

It has been a generally wise precaution,—perhaps simply a natural growth,—that original measures were almost always confined in scope to special regulations which applied in a comparatively narrow field and were extended only after trial and approval. Laws pertaining to child labor, hours of labor, safety and sanitation, all served their apprenticeship, so to speak, in manufactures, before they passed on to mechanical, mercantile and other establishments. The experiment in weekly wage payment was first confined to cities and towns, while interference in the matter of fines has been directed only against those imposed upon weavers.

Recognition by statute (1888, c. 134) of the right of labor to organize and become incorporated for lawful objects, only conceded to the operative an equality with other citizens of the community in these rights earlier secured to them.

The constitution of the Board of Arbitration in Massachusetts "lends official dignity to the all-important principle of peaceful negotiation," and "removes the last excuse for gratuitous resort to industrial warfare by employer or employee."¹

Self-restraint is also a becoming virtue in a State Legislature, and Massachusetts has shown this in an eminently noteworthy case. In spite of widespread discussions and free enactments in other parts of this country, Massachusetts has never legislated upon the subject of labor conspiracy. In this field she has made the Common Law her wise dependence, nor risked the danger of narrowing its application by statutory enactment. The crippled action of the law in less far-sighted states has amply justified her policy.

¹ Cummings, E.—Industrial Arbitration, *Quarterly Journal of Economics*, July, 1895, p. 363.

CHAPTER V.

SUMMARY AND CONCLUSION.

"The state," Jevons said, "is the least of the powers that govern us." It is controlled by laws above its own dictation and its wisdom is to be taught and guided by them. Theirs is, however, a school of experimental science, whose text-book can only be written after long and patient observation and note-taking in the laboratory. In these pages of our laboratory note-book we have been studying the process of an important economic experiment, the most logical and complete yet tried in the field of labor legislation in America. Let us, then, assemble into a brief outline statement the conclusions that may be warranted by our observations.

We have reviewed the history of Massachusetts labor legislation, the laws that were enacted, the conditions which called for them and the forces which brought them to passage. We have watched their enforcement, and, as far as possible, traced their effects, economic and other than economic. We have thrown into concise statement the generally accepted theory of the position of government in reference to the problems of industrial labor, and upon this study as basis, essayed a critical examination of this body of legislation.

Massachusetts labor legislation has:

1. Withdrawn much child labor from factory and workshop.

2. Given a general guarantee of education to working youths.

3. Granted added leisure to the great body of workers, which means the opportunity to advance their standards of living.

4. Lessened casualties by protecting dangerous machinery, requiring escape-ways from fire, etc.

5. Insisted upon cleanliness and generally good sanitary conditions in workrooms, with a perceptible influence upon the health and homes of operatives.

6. Somewhat extended the Common Law of the employer's liability to an employee for bodily injuries sustained in service, making more adequate provisions for recovery of damages.

7. Recognized the rights of labor under the labor contract and as an incorporated body.

8. Accorded some workers the privilege of weekly payments, fine exemptions, etc.

9. Established a Board of Arbitration to which labor disputes may be referred for amicable settlement.

10. Established a Bureau of Labor whose duty it is to collect statistics, and to investigate labor conditions throughout the state.

11. Evolved the most efficient inspecting force in the United States.

This is a large accomplishment of good, but, in our appreciation of present measures of success, we must not overlook the lessons of the wayside difficulties nor underestimate the costs. Other states which are struggling with like industrial evils may find store of helpfully practical suggestion in this experience of Massachusetts. The obstacles which have arisen to each enactment in Massachusetts are generally typical of what is likely to confront similar enactments in other states. In early laws more particularly, technicalities of weak construction told against enforcement, and these have been severally pointed out as they occurred. Again, if

Massachusetts' experience teaches anything, it must show the absolute necessity of efficient inspection. The whole history of the labor legislative movement shows that laws, however good, cannot enforce themselves. It may appear to an outsider that it is for the laborer's own interest to report violations and seek the legal remedy given, but the indisputable fact is that he does not do it. Moreover, not only is the single laborer usually not in a position to do so safely, but even the labor union shrinks from the task.

The experience of Massachusetts may also stand as a warning in certain specific cases where, in too rash enactment, though against evident evil or to secure probable benefits, she did not approach the work forearmed by adequate study of the conditions to be met.

Let this suffice to indicate the most essential points, if not the detail of our study. Similar investigations pursued in other states would give interesting and profitable material for comparisons and practical deductions. Indeed, a chief object of this brief work would be realized if it could but suggest the opportunities and resources which invite to serious study in this field.

DIGEST OF THE LABOR LAWS OF MASSACHU-
SETTS AND OF SUPREME COURT CASES
DECIDED UNDER THEM.¹

I. REGULATION OF CHILD LABOR.

I. AGE AND EDUCATION.

- R. S.* The law of apprenticeship is the only child-labor law.
- 1836, c. 245, § 1.*—Children between twelve and fifteen years of age in manufactories shall attend school three months in each year. § 2. Employment in violation finable, \$50.
- 1838, c. 107.*—Amends 1836, c. 245, by adding that a certificate of school attendance releases the employer.
- 1849, c. 220.*—Amends 1836, c. 245, by substituting eleven weeks' schooling, under qualified teachers, during the twelve months preceding and in each twelve months of employment, when the child has been a resident of the state for six months. Repeals 1836, c. 245, § 2. Penalty—Fine of \$50, recoverable by indictment; shall be payable into the common school fund.
- 1855, c. 379.*—Amends 1849, c. 220, and repeals inconsistencies by defining "teacher" as a "teacher approved by the school committee," and by striking out "of the twelve months next," thus leaving the preparatory school requirement "eleven weeks preceding the time of employment."
- 1858, c. 83.*—Repeals inconsistencies. The annual school attendance shall be eighteen weeks.
- G. S., c. 42, §§ 1-2.*—Codifies 1836, c. 245; 1842, c. 60; 1849, c. 220; 1855, c. 379; 1858, c. 83. Omits 1838, c. 107; 1855, c. 379. § 1. School attendance. § 2. Penalty.
- (See Hours of Labor.)
- 1866, c. 273.*—Repeals inconsistencies: § 1. No child under ten years of age shall be employed in manufactories. Between the ages of ten and fourteen years, six months' schooling is required (in a school approved by the school committee) "during the year next preceding" and in each year of

¹ ABBREVIATIONS: *R. S.*, Revised Statutes; *G. S.*, General Statutes; *P. S.*, Public Statutes.

Enforcement, see Inspection.

Definitions of terms, see St. 1887, c. 103-5.

employment. § 2. The "owner, agent or superintendent" "who knowingly employs" and the parent or guardian who allows such employment are liable to fine (\$50).

(See Hours of Labor.)

1867, c. 285.—Repeals 1866, c. 273. The same, substituting three months as the schooling requirement for children between ten and *fifteen* years employed in manufacturing or mechanical establishments.

(See Hours of Labor.)

1876, c. 52.—Repeals inconsistencies: § 1. The same age limit,—the parent or guardian held responsible under penalty of \$20 to \$50, payable into the public school funds. § 2. Twenty weeks' schooling in each year is required for children under fourteen employed in manufacturing, mechanical, or mercantile establishments. A certificate from the school committee is required as evidence of compliance.

1878, c. 257.—Amends 1876, c. 52, by requiring certificates of age and birth to be kept on file where children under sixteen years of age are employed, and by restricting employment of those between the ages of ten and fourteen who cannot read and write to the times of public school vacation. Lack of certificate is deemed violation.

1880, c. 137.—Amends 1878, c. 257, § 1, by requiring certificates to be signed by a "member of the school committee" or "some one authorized by them,"—the form to be furnished by the secretary of the state board of education and approved by the attorney general.

P. S., c. 48, §§ 1-7.—Codifies 1876, c. 52; 1878, c. 257; 1880, c. 137. § 1. Age limit. Penalty. § 2. Under fourteen years of age. § 3. Certificates. § 4. Penalties. § 7. Illiterate children.

1883, c. 224.—Amends Public Statutes, c. 48, § 1, by forbidding the employment of a child under twelve years of age "during the *hours*" of public school session.

1885, c. 222.—Amends c. 48, § 7, Public Statutes, by substituting "*days*" of public school session instead of "*hours*."

1887, c. 433.—Repeals c. 48, § 7, Public Statutes. § 1. Children under fourteen years, "who cannot read and write English," shall be employed only during public school vacations. The "owner, superintendent, or overseer," and the "parent or guardian" are held under penalty (\$20 to \$50, payable into the school funds). § 2. Every person who "regularly employs" a minor of one year's residence, who cannot read, etc., and who does not regularly attend day or

evening school, is liable to fine of \$50 to \$100, payable into the evening school funds. § 3. The school committee may issue a special permit, for a fixed time, to a child whose labor is necessary. § 4. The school committee shall post two weeks' notice of the opening of each evening school term in three public places.

1889, c. 135.—Amends 1887, c. 433, § 2, by substituting instead of "regular attendance at day or evening school," "regular attendance at day school, or 70 per cent of the yearly sessions of the evening school."

1890, c. 48.—Amends 1887, c. 433, § 3, by providing that if the child is prevented by sickness or injury from attending evening school, the school committee shall issue the special labor permit only upon the presentation of a physician's certificate—the form to be furnished by the committee.

1891, c. 317.—Amends 1887, c. 433, by striking out "regularly employed," and by substituting "resides in" (Mass.) for the year's continuous residence qualification.

1888, c. 348.—Repeals c. 48, §§ 1-6, Public Statutes, 1883, c. 224; 1885, c. 222; 1887, c. 433, § 1, and inconsistencies. § 1. No child, under thirteen years, shall be employed in "factory, workshop, or mechanical establishment," "in any indoor work," during the hours of public school session (for wages or compensation to whomsoever payable); or "in any manner during such hours, unless during the year next preceding" he has attended school for twenty weeks. § 2. The employment (as designated § 1) of children under fourteen years—except during vacation—is conditioned upon the keeping on file of certificates and employment tickets,—such employment to cease upon the expiration of the certificate. The chief of district police, with the approval of the governor, may forbid the employment of such children in unhealthy occupations, and the employer must comply within one week after receiving written notice. § 3. School certificates and a list of all employees under sixteen years of age must be kept on file. § 4. The certificate shall be signed, only after the presentation of an employment ticket,—the form for each of these is given, (§ 5.) by the superintendent of schools, his agent or some authorized member of the school committee (not the prospective employer), who is given power to administer oath. § 6. The certificate of age must be signed by the father, mother or guardian. § 7. But no child, con-

tinuously a resident of the state since thirteen years of age, and not exempted by law, shall be given a certificate unless he has had the twenty weeks' schooling. Proof of age shall be a certificate of birth or baptism, testimony of the school census, or other satisfactory evidence. § 8. Violations are punishable by fine (\$20 to \$50), for signing a certificate falsely not more than \$50, or thirty days' imprisonment or both. § 9. Definitions (see Sanitation, St. 1887, c. § 1035).

(See Hours of Labor.)

- 1889, c. 291.*—Amends 1888, c. 348, § 7, by allowing ability to "read at sight and write legibly simple sentences in the English language," as substitute for the twenty weeks' schooling requirement in granting an age certificate to a child over thirteen years.
- 1890, c. 299.*—§ 1. The age or school certificate shall belong to the child who draws it and must be returned upon discharge—
§ 2—under penalty of \$10 fine upon the corporation or employer who retains it.
- 1892, c. 352.*—Amends 1888, c. 348, § 2, by substituting thirty weeks' schooling requirement,—provided that the school is in session for that period,—the time to be divisible into three terms of ten weeks each.
- 1894, c. 508,* §§ 13-25, 62, 67, 69, 70, 78.—Codifies 1883, cc. 224 1885, c. 222; 1887, c. 433; 1888, c. 348, §§ 1-8; 1889, cc. 135, 291; 1890, cc. 48, 299; 1891, c. 317; 1892, c. 352. § 13. Under 13 years of age. §§ 14, 15. Under 14 years of age: §§ 16-22, 62, 69. Certificates. § 23. Inspection. §§ 24, 70. Illiterate minors. § 25. Special permits. §§ 67, 78. General penalties.
- 1898, c. 494.*—Repeals 1894, c. 508, §§ 13, 14, 16-25, 67, 69, 70 and inconsistencies. § 1. (§§ 13, 14) The age limit is raised to fourteen years in factory, workshop and mercantile establishment. Such children shall not be employed in "any work performed for wages or other compensation" to whomsoever payable, during hours of public school session. (See Hours of Labor—Night Work.) § 2. (§ 16) The employment of minors under sixteen years of age is conditioned upon the keeping of age certificates on file and "accessible," and two complete lists of such minors, one on file and one conspicuously posted near the entrance of the building. The names of minors who cannot read, etc., must be kept on file and a dupli-

cate list sent to the superintendent of schools, or to the school committee. §§ 3-4. Certificates provided as before. § 5. An employment ticket (as above) is the prerequisite in drawing an age certificate. Duplicates of certificates issued must be kept on file (forms for both given as before). The "custodian" of the child may witness to his age. When evening school attendance is required the certificate remains in force only during regular attendance as "weekly endorsed by the teacher thereof." § 6. Penalties: Fine of \$50 upon the employer, and of \$5-\$20 upon the parent or person controlling the child for each day's violation after notice from the inspector or truant officer. Failure to produce the certificate or lack of list is deemed violation. Fine for retaining a certificate, \$10; for knowingly certifying to a false statement, \$50. § 7. (§§ 24, 70) No minor *over* fourteen years who cannot read, etc., shall be employed unless a regular attendant at evening school (where such are maintained by the city). The superintendent or teacher may excuse absence for cause. When a doctor's certificate states the applicant to be physically unable to both work and study, a special work permit may be given for a fixed period.

2. OCCUPATIONS.

(a) *Peddling and Begging.*

G. S., c. 50, § 14.—The mayor and aldermen may be authorized to restrict or license sales by minors.

1864, c. 151, § 1.—Cities and towns may regulate sales by minors.

P. S., c. 68, § 2.—Codifies *G. S., c. 50, § 14*, and *1864, c. 151, § 1*.

1887, c. 422.—Any person controlling, or using, a minor under fifteen years of age, who begs or peddles without license, where one is required by law, shall be liable to fine of \$200 or six months' imprisonment.

1889, c. 229.—No street railway corporation shall allow any minor under ten years to enter a car to peddle. A fine of \$50 is recoverable in action of tort, by any person, within three months. The corporation is liable for violation by any servant or agent.

1892, c. 331.—Repeals *c. 68, § 2*, Public Statutes: The mayor and aldermen may regulate, etc., the issue of licenses for peddling by minors, and any minor who violates shall be fined \$10.

(b) *Shows, Circuses, etc.*

1874, c. 279.—Licenses shall not be granted for shows, etc., in which children under fifteen years are employed as gymnasts, etc.

1877, c. 172.—Any person who "employs, exhibits, sells, apprentices or gives" a child under fifteen years for "the vocation, occupation, service or purpose of dancing, playing on musical instruments, singing, rope or wire walking, or in riding or as gymnast, contortionist, or acrobat, in a circus, theatrical exhibition or public place, or who shall "cause, procure or encourage" to do so, is fined \$200 or given six months in the county jail.

Proviso.—This shall not prevent education in music, or employment in church or chapel, or appearance in a school exhibition, concert or musical entertainment with the written permit of the mayor and aldermen or selectmen.

1880, c. 88.—No license shall be given for "theatrical exhibition" or "public show" where children under fifteen years, and "belonging to the public schools," take part, or "where, in the opinion of" the board of licensers, employment is corrupting to moral or physical health.

P. S., c. 48, §§ 8-9.—Codifies 1874, c. 279; 1877, c. 172; 1880, c. 88. § 8. Penalty for employing. § 9. License not to be granted.

1894, c. 508, §§ 49, 50, 64.—Embodies P. S., c. 48, §§ 8-9. § 49. Employment of children in shows, etc. § 64. Penalty. § 50. License.

1898, c. 394.—Amends 1894, c. 508, § 49, by forbidding the exhibition of these children in dancing "upon the stage," by allowing instruction in dancing, and by permitting such children to take part in "festivals."

(c) *Handling Dangerous Machinery.*

1887, c. 121.—Children under fifteen years of age must not clean any part of machinery which is in motion or dangerously near to machinery which is in motion. The owner, superintendent, or agent is held responsible under a fine of \$50 to \$100.

1890, c. 90.—Children under fifteen years of age must not have "care, custody, management or operation" of any elevator, nor under eighteen years, at a speed of over 200 feet per

minute. Any person, firm or corporation who employs, or permits to be employed, in violation is fined \$25 to \$100.

1894, c. 508, §§ 31, 32, 73, 74.—Codifies 1887, c. 121; 1890, c. 90. § 31. Cleaning dangerous machinery. § 73. Penalty. § 32. Operating elevators. § 74. Penalty.

II. HOURS OF LABOR OF WOMEN AND CHILDREN.

I. GENERAL.

¹1842, c. 60, §§ 3-4.—Children under twelve years shall not be employed more than ten hours a day in manufactories,—the owner, agent or superintendent to be fined \$50 for “knowingly” violating.

(See Age and Education.)

G. S., c. 42, § 3.—Embodies 1842, c. 60, §§ 3-4.

1866, c. 273, § 3.—No child under fourteen years shall be employed in any manufacturing establishment more than eight hours a day.

(See Age and Education.)

1867, c. 285, § 2; *Repeals*, 1866, c. 273.—No child under fifteen years shall be employed more than sixty hours in one week under penalty of \$50 for “knowingly” violating.

(See Age and Education.)

²1874, c. 221.—§ 1. Hours of labor for women and minors in manufactories shall be ten per day except (1) to make good loss of time due to stoppage for repairs in a previous day of the same week, or (2) to give one shorter day. In no case shall the hours exceed sixty per week. § 2. The person, firm or corporation, superintendent, overseer or agent, and the parent or guardian are fined \$50 for “willful” violation, upon prosecution within one year.

¹ A “corporation” is not liable to penalty as imposed by St. 1942, c. 60, § 3, on the “owner, agent or superintendent” of a manufacturing establishment, for employing children under the age of twelve years in laboring more than ten hours a day in such establishment. *Benson v. Monson & Brimfield Manufacturing Co.*, 9 Met. 562.

² St. 1874, c. 221, violates no contract of the Commonwealth implied in the granting of a charter to a manufacturing company; and it violates no right reserved under the Constitution to any individual citizen. It may be maintained as a health or police regulation. A law, which merely prohibits a woman's being employed in any manufacturing establishment more than a certain number of hours per day or week, does not violate her right to labor as many hours per day or week as she sees fit, and is within the power of the Legislature to enact. *Commonwealth v. Hamilton Manufacturing Co.*, 120 Mass. 383.

1879, c. 207.—Amends 1874, c. 221, by striking out the word "willful."

¹1880, c. 194.—1 §. Amends 1874, c. 221, § 1, by requiring printed notice of the number of hours of work required in each day to be posted in workrooms where women and minors are employed. § 2. By adding that employment, "in any one day," beyond the hours so stated shall be deemed violation, except as allowed in St. 1874, c. 221. Also, by raising the penalty from \$50 to \$100.

P. S., c. 74, §§ 4-5.—Codifies 1874, c. 221; 1879, c. 207; 1880, c. 194. § 4. Hours of labor—60 per week. Postment of notice. § 5. Penalty.

1883, c. 157.—Amends c. 74, § 4, Public Statutes, by extending the ten-hour day to women and minors in "mechanical and mercantile establishments."

1884, c. 275.—Repeals c. 74, § 4, of Public Statutes. § 1. No minor shall be employed more than sixty hours per week in "any mercantile establishment." Notice of hours shall be conspicuously posted. Penalty of \$50-\$100 is placed upon the employer, corporation, parent, or guardian for violation. An age certificate, sworn to by the minor and guardian, shall be evidence of age.

1886, c. 90.—Amends c. 74, § 4, Public Statutes, by adding that the form for notices shall be furnished by the chief of the district police as approved by the attorney general, and shall require a statement of the time allowed to start and stop machinery and of the time given for meals.

1887, c. 280.—Amends c. 74, § 4, Public Statutes, and repeals 1886, c. 90: § 1. By allowing overtime employment (to make good loss during repairs, etc.) only when the stoppage has lasted more than thirty minutes, and after written report stating day, hour and duration has been sent to the chief of district police or the inspector. A fine (\$50-\$100) is imposed for false report. § 2 By requiring the notice to state "the hours of commencing and stopping work, hours when time for meals begins and ends, or if exempted (St. 1887, c. 215, § 3, see Meal Hours) the time, if any, allowed for meals"—the printed form to be furnished by the

¹ The St. 1874, c. 221, as amended St. 1880, c. 194, applies only to persons who are "permanently therein employed." Complaint against a manufacturing corporation for violation in employing a certain woman, without having posted a printed notice in a conspicuous place in the room in which she was employed, stating the 'number of hours' work required of such persons on each day of the week, is insufficient. *Commonwealth v. Osborn Mill*, 130 Mass. 33.

chief of district police and approved by the attorney general.

1892, c. 357.—Amends c. 74, § 4, Public Statutes, by reducing hours of labor to fifty-eight a week.

2. HOURS FOR MEALS.

1887, c. 215.—§ 1. In factories or workshops where five or more women and minors begin work at the same hour, meal time shall be given them later at the same hour without imposing additional work upon those who may work through such hour (directed against "doubling up"). § 2. Intervals shall be six hours of work to one-half hour for the meal, six and one-half hours when work ends at one o'clock, or seven and one-half hours (time for lunch being given) when work ends at two o'clock. §§ 3-4. Exceptions defined, and special certificates of exemption allowed to be given by the chief of district police with the approval of the governor. § 5. Whoever "for himself or as superintendent, overseer or other agent" violates is liable to fine (\$50-\$100), except when the operative violates against orders.

1887, c. 330.—Amends 1887, c. 215, § 5, by releasing the employer from responsibility when a woman or minor violates without the "order, consent or knowledge" of himself, the superintendent, overseer or agent,—notice forbidding labor during meal hours having been posted in the work rooms.

3. NIGHT WORK.

1888, c. 348.—§ 2. No child under fourteen years shall be employed in any manner between 7 p. m. and 6 a. m., under penalty of fine (\$20-\$50) payable to the public schools.

(See Age and Education.)

1890, c. 183.—No woman or minor shall be employed for the purpose of manufacturing between 10 p. m. and 6 a. m. by any corporation or manufacturing establishment under penalty of fine (\$20-\$50).

1892, c. 83.—Amends 1890, c. 183, by correcting parties held: "No person or corporation or officer or agent thereof shall employ," etc.

1894, c. 508, §§ 10-12, 26-29, 56, 59, 60, 61, 68, 71.—Codifies P. S., c. 74, §§ 4-5; 1883, c. 157; 1884, c. 275; 1886, c. 90; 1887, cc. 215, 280, 330; 1888, c. 348; 1890, c. 183; 1892, cc. 83, 357. § 10. Hours for minors in mercantile establishments.

§ 60. Penalty. § 61. Evidence. § 11. Hours for women and minors in manufacturing and mercantile establishments. Notices. § 56. Complaint. §§ 59-60. Penalty. § 12. Night work. § 68. Penalty. §§ 26-29. Meal hours. § 71. Penalty.

1900, c. 378.—Amends 1894, c. 508, § 10, by extending the fifty-eight-hour week to women and minors in mercantile establishments,—this law not to apply to retail shops during December.

III. HOURS OF LABOR OF EMPLOYEES OF THE COMMONWEALTH.

1890, c. 375.—Repeals inconsistencies. Nine hours shall constitute a day's work for all laborers, workmen and mechanics employed by or on behalf of the Commonwealth or any city or town therein.

1891, c. 350.—Amends 1890, c. 375, by extending it to like employees of counties.

1893, c. 406.—Nine hours of manual labor shall constitute a day's work under contracts for the Commonwealth.

1893, c. 386.—On any street railway a day's work for conductors, drivers and motormen shall not exceed ten hours performed within twelve consecutive hours. On holidays and extraordinary occasions, extra labor shall receive special compensation. Penalty, \$100.

1894, c. 508, §§ 7-9.—Codifies 1890, c. 375; 1891, c. 350; 1893, cc. 406, 386. §§ 7-8. Employees of the Commonwealth. § 9. Employees of street railways.

1899, c. 344.—Repeals inconsistencies. After acceptance by voters, eight hours shall constitute a day's work "for all laborers, workmen and mechanics" employed by or on behalf of any city or town in this Commonwealth.

1900, c. 425.—Sixty hours shall constitute a week's labor for employees of county jails and of houses of correction. Any county officer "inducing or compelling" labor in violation of this act shall be punishable by fine of \$25 to \$50 for each offence.

IV. SAFETY AND SANITATION.

I. BOILERS AND ENGINES.

1845, c. 197.—Acceptance by city or town necessary. §§ 1-4, 10. Iron furnaces or steam engines shall not be erected without license from the municipal authorities, who may also

regulate their use. An engine, etc., used in violation, shall be treated as a "common nuisance." § 5. §§ 6-9. Appeal may be made to the Court of Common Pleas.¹ Notice of application for license.

1846, c. 96.—Amends 1845, c. 197, §§ 1-3, by extending its provisions to glass furnaces.

1850, c. 277.—Every steam boiler shall be furnished with a fusible safety-plug valve. Penalty, \$1,000.

1852, c. 247.—Amends 1850, c. 277, and repeals inconsistencies, by defining parties liable as "any person or corporation manufacturing, setting up, knowingly using or causing to be used, a steam boiler unprovided with the safety-plug."

1852, c. 191.—The mayor and aldermen or selectmen are given the right to enter and inspect any steam engine.

1859, c. 259.—Amends 1852, c. 191, by giving the right to inspect "steam boilers," as well as engines.

*G. S. c. 88, §§ 33-45.—Codifies 1845, c. 197; 1846, c. 96; 1850, c. 277; 1852, cc. 191, 247; 1859, c. 259. §§ 33-34. License. § 35. Regulation. §§ 36-39. Appeal and proceedings, etc. § 41. Officials examine. § 40-42. Engine or boiler, a nuisance. § 43. Safety plugs. §§ 44-45. Penalties.

1862, c. 74.—Acceptance by the city or town necessary. A license shall be required for the use of a stationary engine within 500 feet of a dwelling. An engine erected without such license shall be deemed a common nuisance.

1880, c. 116.—Portable steam engines and boilers may be inspected by city or town officers and the use of unsafe ones be prohibited. Use against orders makes such engine a common nuisance.

P. S., c. 102, §§ 40-53.—Codifies G. S., c. 88, § 33-45; 1862, c. 74; 1880, c. 116. §§ 40-42. License and regulation. §§ 43-46. Appeal, proceedings, etc. §§ 47-48, 50. Nuisances. § 49. Officials examine. § 51. Safety plugs. §§ 52-53. Penalties.

¹ An order of the municipal authorities regulating the use of an engine etc., which was erected without license after the passage of St. 1845, c. 197, is in effect such a license. *Call v. Allen*, 1 Allen, 137.

² A legally erected engine is not a nuisance and the landlord is not liable to third persons for any injury resulting to them from its maintenance and use by the tenant. *Saltouall v. Banker*, 8 Gray, 195.

The use of appliances for safety "ordinarily used in such establishments" is not defense for knowingly operating a boiler without a safety plug in a suit for damages. *Cayzer v. Taylor*, 10 Gray, 274.

1885, c. 374, §§ 83-85.—A steam boiler must rest upon the cellar floor or upon brick arches and iron beams and shall be encased in infusible material.

1895, c. 418.—§ 1. Owners or users of fixed steam boilers (except in private houses, U. S. boilers, those insured, used for agricultural purposes, etc., or of less than three-horse power) must annually report their location to the chief of district police. § 2. Every facility must be given to inspectors in their examination of "each of the boilers designated in § 1." § 3. The inspector shall give certificate for good condition and use of a boiler; without such certificate may be enjoined and the owner proceeded against before the Superior or Supreme Court, which may issue injunction (as in equity). § 4. The inspector may fix the maximum pressure and require a satisfactory automatic device. § 6. The chief of district police, with the approval of the governor, may adopt rules necessary to enforcement. § 5. Fees of \$2 per inspection shall be returned monthly into the state treasury by inspectors. § 7. Penalty for violation—\$500, three months' imprisonment, or both.

1898, c. 167.—Amends 1895, c. 418, § 2, by correcting the error in English which involved the inspection of boilers exempted by § 1: "Each of the boilers designated in § 1, and *not therein exempted*, shall be inspected."

1895, c. 471.—§ 1. An engineer who operates a fixed steam boiler not exempted by St. 1895, c. 418, § 1, and over eight-horse power, must obtain a license, and no owner shall allow an unlicensed engineer or fireman to operate longer than one week. § 2. A license—good for three years, unless revoked for cause—shall be given after examination and be renewable without examination. § 3. Grades for engineers shall be (1) unlimited horse power; (2) 150-horse power; (3) 50-horse power. Firemen ungraded. Special license to operate a special plant (good for three years) may be given upon examination. § 4. Fees (\$1.00) are returnable by the examiner, if in the district police to the state treasurer; otherwise, to the town or city treasurer. § 5. Boiler inspectors shall act as examiners (§ 6) and shall notify all engineers to apply for license. License or notice of rejection shall be sent within forty-eight hours of examination. § 7. Appeal from the examiner is given to the decision of the chief of district police. § 8. Violation, after notice, is punishable by fine of \$300 or three months' imprisonment.

- 1896, c. 546.*—Continues 1895, c. 471, and repeals inconsistencies by allowing license to be given without examination to engineers who have been "employed continuously" for "five years next prior to the passage of this act," and by giving appeal to the decision of the five other examiners approved by the chief of district police. Penalty for "intentional" violation, \$300 or imprisonment (three months.)
- 1899, c. 368.*—Repeals inconsistencies. This is chiefly a restatement of St. 1896, c. 546. § 1. Adds exemption of boilers or engines "upon motor road vehicles" and "in apartment houses of less than five flats." § 2. Adds that the fact that an unlicensed engineer is found operating an engine, and again found so operating after one week, shall be evidence of violation. § 3. Adds that application for license shall show experience during the last three years of service, allows the applicant one spectator to take notes at the examination and, except upon appeal, allows but one examination within ninety days—license given within six days of approval, to be good as before or until a new one is granted—requires application for renewal to be brought within six months of its expiration, and upon issuance of a new-grade license requires the examiner to destroy the old one, also replaces one proved to have been lost by fire. § 4. Adds grades for firemen's licenses, —(1) any boiler or boilers, (2) low-pressure heating boilers. § 5. Defines to "have charge" as "to have supervision" over, and "person operating" as anyone "actually engaged in generating steam." § 6. Basis for estimating the horse power of boilers and engines. § 9. Allows the presence of a first-class engineer at the hearing of an appeal. § 10. Requires the license to be conspicuously posted in the engine or boiler room. § 11. Penalty upon "whoever violates," \$10 to \$300 or imprisonment (three months). Any trial justice may impose a fine less than \$50.
- 1900, c. 201.*—Amends 1899, c. 368, § 4, by allowing examination for special engineer service only when a written request by the owner of the plant is filed with the application.

2. DANGEROUS MACHINERY, FIRE-ESCAPES, ETC.

- 1877, c. 214.*—§ 1. Belting, shafting, gearing and drums in all factories shall be protected, when, "in the opinion of the inspector," these are dangerous. No machinery, except

engines, shall be cleaned while in motion, if the inspector objects in writing. "All such establishments shall be well ventilated and kept clean." § 2. Openings and hatchways shall be guarded as directed by the inspector. § 3. When such building is three or more stories in height and accommodates forty or more persons there must be adequate tower stairs or outside fire-escapes, kept in repair and free from obstruction. § 4. The main doors shall open outwards when the inspector so directs in writing, and there must be apparatus for extinguishing fire. § 8. The person or corporation who violates shall be liable for damages due to violation and to fine of \$50 to \$500. The inspector shall prosecute after giving four weeks' notice.

1880, c. 181.—Amends 1877, c. 214, by extension to "mercantile establishments."

1881, c. 195.—Amends 1877, c. 214, § 8, by redefining parties liable as "any person, firm or corporation, being owner, lessee or occupant of any manufacturing establishment" or "owning or controlling the use of any (such) building or room."

1880, c. 197.—Every room above the second story in which five or more operatives are employed must have more than one stairway (inside or out), if possible at opposite ends. Outside escapes must have railed landings which connect by door or window at each story. Inspectors may accept other adequate provision.

1881 c. 137.—§ 1. In no manufacturing establishment shall explosives or inflammable compounds be left or used where hazardous to egress in case of fire. § 2. Penalty as in St. 1877, c. 214.

¹ P. S., c. 104, §§ 13-19, 21, 22.—Codifies 1877, c. 214; 1880, cc. 181,

¹ An employee cannot maintain an action against his employer for injury due to violation of P. S., c. 104, §§ 14-22, unless he himself was exercising due care. *Taylor v. Carew Manufacturing Co.*, 143 Mass. 470.

P. S., c. 104, 14, as amended by St. 1882, c. 208, does not make the owner of a building, who does not comply with its provisions, liable for damages to a person injured in the absence of evidence that the act has been accepted by the city in which the building is located. *Handyside v. Powers*, 145 Mass. 123.

An experienced machinist injured by uncovered gearing, which is in plain sight and transmits power to the machine upon which he is working, cannot recover damages; and the employer is not negligent in failing to warn him of the risks of the employment. An employer is not liable to criminal prosecution (P. S., c. 104, § 22) or to action for violation of § 13 until the notice required by § 22 has been given him by an inspector. *Foley v. Pettie Machine Works*, 140 Mass. 294.

197; 1881, cc. 137, 195. § 13. Belting, etc. § 14. Openings. §§ 15-18. Stairways and fire-escapes. § 19. Doors and fire-extinguishing apparatus. § 21. Explosives. § 22. Penalties.

¹1882, c. 208.—Amends c. 104, § 14, Public Statutes, by requiring all elevator cabs to be provided with appliances to hold the car in case of accident and by extending application of the law to "mercantile establishments."

1882, c. 266.—Amends c. 104, Public Statutes: § 1 (Amends, § 15) By including "all manufacturing establishments," and by allowing cities and towns to extend its provisions to other three-story buildings. § 3 (Amends, § 22) By recasting, and by adding that notice to one member of a firm, or to the clerk or treasurer of a corporation, shall be sufficient warning.

1882, c. 426.—Repeals c. 104, §§ 15-20, Public Statutes. Regulation of egress and escape from fire in certain buildings, including "factories, workshops, mercantile and other establishments,—a restatement of P. S., c. 104, §§ 15-10, with the following modifications: § 1 (modifies, § 15-18) applies "where *ten* or more persons" are employed "above the second story;" requires "railed landings" to the escapes; and instructs the inspector to give written notice of his responsibility to the "owner, lessor or occupant," who shall comply as directed in writing by said inspector. § 2. Requires the inspector to give his certificate—revokable for cause upon written notice to the holder—stating the number of persons for whom there is sufficient egress. § 3. His acknowledgment of an application for a certificate to hold ninety days. § 4. Requires that notice of any changes be sent to the inspector. § 5 (embodies, St. 1882, c. 266, § 3). Warning. § 6. Allows any one of joint owners to construct a necessary outside escape, which may project over the highway, upon any part of the building. § 7. Forbids a license for the use of premises without a certificate and makes one void after the expiration of the certificate. § 8. Forbids wooden flues, unprotected heating pipes, etc. § 9 (§ 19). § 10 Inspection. §§ 11 and 13. (1882, c. 266, § 1). Extension. § 12. Raises the penalty upon "owner, lessee or occupant" from \$50 to \$1,000.

¹ St. 1882, c. 208 (P. S., 104, § 14), requires that the elevator car be provided with a mechanical device for holding it in case of accident, *approved by the inspector*, not one which will "under all circumstances" hold in event of accident. *Bourgo v. White*, 159 Mass. 216.

- 1883, c. 173.—The inspector shall placard and prohibit the use of unsafe elevators until altered to his satisfaction. Any person removing the notice or using the elevator shall be liable to fine (\$10 to \$50).
- 1884, c. 52.—§ 1. In no building where operatives are employed shall doors be locked or fastened during working hours (§ 2), under penalty of \$10 to \$50, after five days' written notice.
- 1886, c. 173.—§ 1. In any manufacturing establishment where steam is used to propel machinery there must be communication—by bell, tube or other signal—with the engine-room, when the inspector deems necessary. § 2. Penalty, \$25 to \$50 after four weeks, written notice. Inspectors enforce.
- 1890, c. 179.—Amends 1886, c. 173, by allowing "appliances that control the motive power" as substitute for engine-room communication.

3. BUILDING PERMITS.

- 1888, c. 316.—§ 1. When a factory, workshop, mercantile or other establishment, "over two stories in height" and intended to accommodate ten or more employees above the second story, is to be erected, a copy of the building plans showing the ways of egress, provision for checking a fire, etc., must be deposited with the inspector and a certificate endorsed by the chief of district police be taken out. § 2. Provision for injunction and fine (\$50-\$1,000).
- 1893, c. 199.—Amends 1888, c. 316, by requiring the plans to include the system or method of ventilation, and by extending the responsibility of submitting plans (under penalty) to "any architect or other person who shall draw plans or specifications, or superintend the erection or construction of a building."
- 1894, c. 481, §§ 23-38, 41-43, 46, 51-54, 59, 60, 62.—Codifies P. S. cc. 104, 13-19, 21-22; 1882, cc. 208, 266; 1883, c. 173; 1884, c. 52; 1886, c. 173; 1888, cc. 316, 426; 1890, c. 179; 1893, c. c. 199. § 23. Belting, etc., protected—cleaning machinery. §§ 24-34. Egress, construction, certificates, license, damage and proceedings. § 60. Penalty. § 36. Extension. § 41. Openings. §§ 42-43. Elevators. § 46. Explosives. §§ 51-52. Communication with engine-room. § 59. Penalty. §§ 53-54. Locked doors. § 62. General penalty.
- 1900, c. 335.—Amends 1894, c. 481, § 24, by allowing, instead of the required inside or outside stairway, "such other way or

device as the owner shall elect," when approved in writing by the inspector.

4. SEATS FOR FEMALE EMPLOYEES.

1882, c. 150.—Every corporation or person who employs females in any manufacturing, mechanical or mercantile establishment shall provide suitable seats and permit such workers to use them when not necessarily engaged in active duties.

5. SANITATION IN FACTORIES.

1877, c. 214, § 1, (end.)—Factories "shall be well ventilated and kept clean. (See Dangerous Machinery, etc.)

1887, c. 103.—§§ 1-2. Factories and workshops must be kept clean and in proper sanitary condition. § 3. Inspectors shall notify the local board of health of any unsanitary condition not in this act provided against. § 4. Penalty: Fine not exceeding \$100 after four weeks' notice, which may be given through one member of a firm, a clerk or officer having charge, such to stand personally liable. § 5. Definitions. These shall hold for all laws in which these words occur: "Person" means any individual corporation, partnership, company or association; "child" means under fourteen years; "young person" means between fourteen and eighteen years; "woman" means one over eighteen years; "factory" means any premises where steam, water, or other mechanical power is used in any manufacturing process; "workshop" means any premises, room or place, not a factory, where by manual labor any process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, etc., the employer has access or control: provided that such labor in a private house or room by one or all of the family dwelling there, or if a majority of those employed are members of such family, shall not constitute it a workshop.

1888, c. 305.—Amends 1887, c. 103, by extending its provisions to mercantile and other establishments or offices where two or more minors or women are employed. Also by allowing the occupant to recover a just claim upon others to bear expense—the claim to be brought within thirty days.

1887, c. 173.—§ 1. Factories and workshops where five or more persons are employed must be ventilated so far as the process will allow. § 2. Inspectors may order fans, etc., where necessary and not excessively expensive. § 3. Penalty : \$100 after four weeks' written notice.

6. SANITATION IN TENEMENT WORKSHOPS.

1891, c. 357.—§ 1. Any workshop, *i. e.*, any house, room or place used as a dwelling and also for the purpose of making, altering, repairing or finishing for sale any ready-made coats, vests, trousers or overcoats, except in private by the family dwelling there, must be kept clean and in a sanitary condition. The proprietor shall notify the chief of district police, within fourteen days of its opening, the location, nature of work and number of employes. Such premises and garments shall be subject to inspection. § 2. Inspectors shall notify the chief of district police of violations, who shall notify the state board of health. § 3. "When it is reported" that infected clothing is being shipped to Massachusetts, the inspector shall examine such goods and the conditions of their manufacture and report danger to the state board of health. §§ 4-5. Persons who knowingly or falsely offer these goods, unlabeled, for sale are fined \$50 to \$100.

1892, c. 296.—Amends 1891, c. 357, by adding among garments enumerated "any wearing apparel of any description whatsoever intended for sale;" by requiring finishers to obtain license; and by requiring the label to read "tenement made," with state and town or city of its manufacture.

1893, c. 246.—Restates the above, adding that license must be obtained before any person or family takes such work to be done in a private house, etc.

1894, c. 508, §§ 44-48, 63, 76.—Codifies 1891, c. 357; 1892, c. 296; 1893, c. 246. §§ 44-45. Regulation of tenement workshops. § 46. Garments shipped to Massachusetts. §§ 47-48. Selling without label. §§ 63, 76. Penalties.

1898, c. 150.—Amends 1894, c. 508, §§ 44, 45, 47, and repeals inconsistencies by restating with the following modifications: § 1. Prohibits the making, etc., for sale of any wearing apparel, etc., in any "room or apartment in any tenement or dwelling" except by the family dwelling there; requires any family desiring to do such work

first to procure license, which is made issuable to any one member; and forbids any "person, partnership or corporation" to "hire, employ, or contract with any member of a family not holding license;" makes exception of any room or apartment, etc., "which is not used for living or sleeping purposes" nor connected with such, and which has a separate outside entrance; and allows the employment of tailor or seamstress for private work. 2. Requires report of unsatisfactory conditions to be sent to the local, instead of the state board of health. 3. Strikes out "knowingly," thus holding responsible "whoever sells or exposes for sale—"

7. SAFETY OF EMPLOYEES ON RAILROADS.

G. S., c. 63, §§ 81-82, 93.—Codification of previous railroad laws. § 81. There shall be a sufficient break and one "trusty and skillful" brakeman to every two cars. § 82. Also a brake and brakeman on the rear car of freight trains. § 93. Trains shall stop 500 feet from a crossing with another railroad and await a signal to continue.

1874, c. 372.—A revision of railroad laws which adds the following: § 118. New or renewed switches shall be safety switches approved by commissioners. Penalty, \$200, and \$5.00 per day of their use. § 119. Suitable bridge guards approved by commissioners shall be erected and maintained where bridges are less than eighteen feet above the track. Penalty \$50 for each month of continued violation; and not more than \$100 and thirty days' imprisonment for their willful destruction. § 122. Commissioners may prescribe further rules for special crossings. § 131. Every car shall be equipped with specified tools and such others as commissioners shall require. Penalty \$500. § 132. Passenger cars shall not be lighted by explosive oils.

1881, c. 68.—Amends 1874, c. 372, § 119, by striking out "less than eighteen feet above the tracks."

1881, c. 143.—Amends 1874, c. 372, § 122, by excepting roads which maintain a system of interlocking signals approved in writing by the commissioners.

1881, c. 194.—Persons employed in positions which require them to distinguish colors shall pass examination for color-blindness before and every two years during employment. Penalty for employing in violation, \$100.

- P. S.*, c. 112, §§ 159-162, 170-172, 179.—Codifies 1874, c. 372, §§ 118-122, 130-132; 1881, cc. 68, 143, 194. §§ 159-160. Switches and bridge guards. §§ 161-162. Crossings. §§ 171-172. Tools, light. § 179. Color-blindness.
- 1882, c. 54.—Amends Public Statutes, c. 112, § 171, by requiring two sets of specified tools, one inside and one outside, for every car (except freight), the place to be approved by the commissioners; one set shall suffice if accessible from within and without. § 2. Penalty for tampering with tools, not more than \$100, three months' imprisonment, or both. § 3. Safeguards against fire shall be as approved in writing by commissioners (§ 4), who may also require such other appliances as safety of life in passenger trains may demand. Penalty, \$500.
- 1883, c. 125.—Amends Public Statutes, c. 112, § 179, by striking out the requirement of biennial examination for color-blindness.
- 1885, c. 35.—A system of automatic signals exempts roads from Public Statutes, c. 112, § 161.
- 1882, c. 73.—§ 1. Commissioners shall draft, and (§ 3) may revise, regulations for testing locomotive boilers and send the same to every railroad corporation. § 2. Penalty for using untested boilers, \$20 per day. § 4. When possible, the master mechanic shall make the test.
- 1884, c. 222.—New and renewed couplers on freight cars shall be safety couplers, which have been prescribed by commissioners, after examination and test. § 2. This act shall be enforced by the supreme judicial court upon the application of the attorney general.
- 1886, c. 120.—Frogs, switches, etc., shall be blocked. A certificate from the commissioners shall be evidence. § 2. Penalty, \$100 to \$1,000.
- 1887, c. 362.—The method of heating any car shall be subject to the approval of commissioners.
- 1891, c. 249.—No passenger car shall be heated by stove or furnace kept inside the car or suspended from it, unless from temporary necessity or with a grant of exception from commissioners.
- 1894, c. 41.—Corporations shall block, etc., frogs, switches, etc., and keep them so blocked, etc., by some method approved by the commissioners. § 2. Penalty, \$10 to \$100 for each offence.
- (See above, 1886, c. 120.)

1895, c. 362.—§ 1. Locomotives and cars shall be equipped with steam train-brake appliances, and corporations may refuse to receive unequipped cars from other roads. Freight cars shall have (§ 2) automatic couplers, (§ 3) grab-irons and (§ 4) draw-bars. Exception is made of four-wheeled cars and locomotives hauling them.

III. INSPECTION.

I. BY THE SCHOOL COMMITTEE.

1842, c. 60, § 1.—The school committee shall prosecute violations of the child-labor laws—penalties recoverable by indictment to the use of the public schools.

1849, c. 220, § 3.—Embodies the above clause (1842, c. 60, § 1).

1858, c. 83, § 2.—Embodies the above clause (1842, c. 60, § 1).

G. S., c. 42, § 2.—Codifies 1842, c. 60, § 1; 1849, c. 220, § 3; 1858, c. 83, § 2.

1876, c. 52, § 4.—Truant officers shall visit mechanical and manufacturing establishments once per school term, and report all violations to the school committee.

1878, c. 257, § 3.—Truant officers may require the production of certificates.

P. S., c. 48, §§ 5-6.—Codifies 1876, c. 52, § 4. 1878, c. 257, § 3. § 5. Truant officers' visit. § 6. Certificates.

1888, c. 348, § 8.—Truant officers, when authorized by the school committee, "may" visit factories, workshops and mercantile establishments and report violations of this act to the school committee, the chief of district police or the inspector. The inspector or truant officer may require the production of certificates and lists of those under sixteen years. Truant officers shall inquire into the employment otherwise of children "during the hours of public school session," and such officer or the inspector may prosecute if such employment continues one week after written notice to the offender that suit will be brought, or if more than one such written notice in regard to one or another child has been given within one year.

1894, c. 508, § 23.—Codifies P. S., c. 48, §§ 5-6; 1888, c. 348, § 8.

2. BY THE POLICE DEPARTMENT.

1866, c. 273.—§ 5. The governor with the consent of the council "may" instruct the constable of the Commonwealth to enforce the provisions of G. S., c. 42, and all other laws regulat-

ing the employment of children in manufacturing establishments, and to prosecute violations.

- 1867, c. 285.*—Repeals 1866, c. 273, § 4. The constable is required to detail one deputy to enforce this and all laws concerning the labor of minors, and annually to report to the governor. Any person may prosecute.
- 1877, c. 214.*—Repeals inconsistencies. § 6. State detectives shall be detailed to inspect factories and public buildings—the chief to make annual report to the governor. § 7. Their duties shall be to enforce this (safety requirements) and all other acts relative to the employment of women and minors, to accomplish which they are given full power to enter, examine and prosecute. § 8. The inspector shall prosecute after giving four weeks' notice. § 9. Such inspection shall not extend to Boston or other cities which under statute or charter supports its own inspection officers and enforces similar regulations. § 10. An inspector shall be discharged for failure in the performance of his duties.
- 1879, c. 305.*—§ 12. The governor is authorized to appoint two inspectors from the police department.
- 1880, c. 178.*—Amends 1879, c. 305, § 12, by adding that in any district where an officer of district police acts as inspector the governor may appoint another to the force, which shall not, however, exceed sixteen men.
- 1880, c. 181.*—Amends 1877, c. 214, by providing inspection of conditions of safety in mercantile establishments.
- 1881, c. 137.*—Inspectors enforce regulations concerning explosives, etc.
- P. S., c. 103, §§ 9-10.*—Codifies 1877, c. 214, §§ 6-7; 1879, c. 305, § 12; 1880, cc. 178; 181; 1881, c. 137. § 9. Inspectors. § 10. Duties. § 11. Annual report by chief.
- P. S., 104, §§ 23-24.*—Embodies 1877, c. 214, §§ 9, 10. § 23. Boston and other cities excepted. § 24. Discharge of inspectors.
- 1882, c. 266, §§ 4-5.*—Amends Public Statutes, c. 104, § 23, by correcting sections enforceable by inspectors.
- 1884, c. 52, § 3.*—Inspectors enforce the requirement of free exit—unfastened doors. (See Safety.)
- 1885, c. 131.*—The governor may appoint four additional district police officers—the whole force not to exceed twenty men.
- 1886, c. 260, § 3.*—The chief of district police shall keep record of accidents reported and include an abstract of the same in his annual report.
- 1887, c. 218.*—Amends Public Statutes, c. 103, § 10, by providing for inspection of mechanical establishments, and the enforce-

ment by inspectors of regulations concerning sanitation and ventilation. (See Sanitation, St. 1887, c. 103, and St. 1887, c. 173.)

- 1887, c. 219.*—Amends Public Statutes, c. 104, § 23, by correcting it to read : The authority of inspectors to enforce §§ 13-22 shall not extend to Boston." (Other exceptions stricken out.)
- 1887, c. 276.*—Repeals 1887, c. 219, and amends c. 104, § 23, by correcting it to read : "The authority of the inspector mentioned in P. S., c. 104, § 13 (*i. e.*, State Inspectors), to enforce §§ 14-22 shall not extend to Boston."
- 1887, c. 256.*—The governor may appoint two additional district police officers,—the whole force not to exceed twenty-two men.
- 1888, c. 113.*—The police department is divided into separate "detective" and "inspection" departments—inspectors to number ten, with the chief of district police at their head. They shall retain all powers of district police, but, except at the call of the governor to quell disturbance, shall do only inspection work.
- 1888, c. 426, § 13.*—The governor shall appoint, from time to time, ten qualified inspectors.
- 1890 c. 438, §§ 1-3.*—Appeal from the orders of inspectors is given to the decision of a justice of the Superior Court in cases of building certificates. The justice may appoint three disinterested experts to examine the matter, hear parties, alter, affirm or annul the inspector's order and issue the certificate required, § 2. Compensation. § 3. Costs.
- 1891, c. 302.*—The governor may increase the inspection department by appointing two females.
- 1892, c. 210.*—Prescribes a legal form of complaint of violations of labor laws, concerning the employment of women and minors.
- 1893, c. 111.*—The chief of district police shall return written or printed acknowledgment to senders of accident reports.
- 1893, c. 387.*—The governor shall appoint one additional inspector to inspect uninsured steam boilers and engines, and to examine the qualification of engineers, and report to the chief.
- ¹ *1894, c. 481, §§ 1-7, 9-10, 35, 39, 55-57.*—Codifies P. S., c. 103, §§ 1,

¹ The owner of a hotel (factory or workshop) cannot be said to have violated St. 1888, c. 426, so as to be liable under § 12 for injuries occasioned by neglect to provide sufficient egress from fire, until after the inspector has decided what ways are, in his opinion, necessary and has given notice in writing to the owner specifying the same, and the owner has neglected or refused to comply with such order. *Perry v. Bangs*, 161 Mass. 35

- 9-11; P. S., c. 104, §§ 23-24; 1882, c. 266, §§ 4-5; 1884, c. 52, § 3; 1885, c. 131; 1886, c. 260; 1887, cc. 218, 256; 1887, cc. 219, 276; 1888, cc. 113, 389, 426; 1890, c. 438, § 13; 1891, c. 302; 1893, c. 387. § 1. Inspection department. § 2. Duties. § 3. Boiler inspector. §§ 4-7. Prosecution, etc. §§ 9-10. Report of accidents. § 35. Inspectors enforce construction requirements. § 39. Boston exempted. § 55. Inspectors enforce this act. § 56. Discharge. § 57. Annual report by the chief.
- 1887, c. 103*, § 3.—When the inspector finds unsanitary conditions not provided against in this act, but abatable under P. S., c. 80, he shall report to the local board of health.
- 1891, c. 357*, § 2.—Inspectors shall report evidence of infectious disease to the chief of district police, who shall notify the state board of health to examine and issue orders. § 3. Inspectors shall report any unhealthiness found in clothing being shipped to Massachusetts to the state board of health.
- 1893, c. 246*, §§ 2-3.—Embodies 1891, c. 357, §§ 2-3.
- 1894, c. 508*, §§ 35, 45, 46.—Codifies 1887, c. 103, § 3; 1891, c. 357, §§ 2-3; 1893, c. 246, §§ 2-3. § 35. Unsanitary condition reportable to the board of health. §§ 45-46. Reporting unhealthy clothing to the board of health.
- 1887, c. 399*.—Amends 1886, c. 87. The chief of district police or the inspector may bring complaint against a corporation which does not comply with the weekly payment of wages requirement.
- 1894, c. 508*, § 52.—Embodies 1887, c. 399.
- 1895, c. 144*.—Inspectors shall enforce this act (concerning specification to weavers).
- 1895, c. 418*.—§ 6. The chief of district police may make all rules necessary to enforce this act. § 8. The governor may appoint three additional inspectors to enforce the steam-boiler inspection laws.
- 1895, c. 471*. § 5.—Boiler inspectors shall act as examiners of engineers. § 7.—Appeal is given to the decision of the chief of district police.
- 1896, c. 546*. §§ 4-5.—Amends 1895, c. 471, by authorizing the appointment of two more inspectors to be examiners of engineers, and by giving appeal to the decision of the five other inspectors acting as a board of appeals,—such decision needing the approval of the chief.
- 1898, c. 261*.—The governor shall appoint four additional members to the boiler inspection department.

1899, c. 368, § 8.—Embodies 1895, c. 471, as amended by 1896, c. 546.

3. FOR RAILROADS.

1874, c. 372, § 6.—There shall be a Board of Railroad Commissioners, consisting of three persons, appointed by the governor, with the approval of the council. Term of office three years, one retiring annually. § 7. They shall have supervision of railroads and railways, shall keep informed of condition and manner of operation, with reference to the security and accommodation of the public, and of the compliance of corporations with charters and laws. § 14. They shall make annual report to the general court.

1876, c. 206.—No commissioner shall perform business contracts with any railroad corporation, or receive bonus or other reward.

P. S., c. 112, §§ 9, 13-15.—Codifies 1874, c. 372, §§ 6-7, 14; 1876, c. 206. § 9. Commissioners. § 13. Annual report. §§ 14-15. Duties.

1886, c. 242.—Commissioners shall, every two years, make examination and test of forms of safety couplers for freight cars.

1894, c. 59.—Repeals 1886, c. 242.

1887, c. 334.—Commissioners may require corporations to have bridges and their approaches examined once every two years by competent engineers. A copy of the detailed report of such examiner shall be sent to the commissioners (§ 2), who shall employ an expert to examine it, and, if necessary, make examination of the bridge also. § 3. This does not exempt corporations from making more frequent examinations of bridges if necessary.

1888, c. 365.—Evidence taken at inquests shall be forwarded to the commissioners.

1894, c. 535.—Commissioners may be assisted in their duties of supervision by inspectors, who shall examine the condition of road apparatus.

1898, c. 366.—Commissioners shall enter account of accidents in their annual report.

IV. THE EMPLOYMENT CONTRACT.

I. VOTING.

1852, c. 321.—Whoever, by bribery, threat of discharge or reduction of wages, by promise of employment or higher wages, attempts to influence a voter, shall be punishable by a

fine not exceeding \$300, or by imprisonment not exceeding one year, or both.

G. S., c. 7, § 31.—Embodies St. 1852, c. 321.

P. S., c. 7, § 60.—Embodies *G. S., c. 7, § 31.*

1887, c. 272.—§ 1. Qualified voters who work in manufacturing, mechanical or mercantile establishments—except such as may lawfully conduct business on the Lord's day—shall be allowed two hours' leave after the opening of the polls when they so request. Penalty of \$20 to \$50 is put upon the owner, superintendent or overseer for refusal.

1890, c. 423, §§ 136, 143, 144.—Embodies *P. S., c. 7, § 60; 1887, c. 272, § 136.* Influencing voter. §§ 143-144. Time to vote. Penalty.

1893, c. 417, §§ 7, 336, 337.—Codifies *P. S., c. 7, § 60; 1887, c. 272.* Repeals 1890, c. 423. § 7. Time to vote. § 336. Penalty. § 337. Influencing voter.

1894, c. 209.—Amends 1893, c. 417, § 337, by extending the penalty to whoever discharges or reduces the wages of an employee, "assigning as the reason the giving or withholding" of his vote.

1894, c. 508, §§ 4, 78, 5, 58; Supercedes, 1893, c. 417, §§ 7, 336-337.—Embodies *P. S., c. 7, § 60; 1887, c. 272, § 4.* Time to vote. § 5. Influencing voter. § 58. Penalty. § 78. General penalty.

1898, c. 548, §§ 5, 409, 410.—Revises and codifies election laws. § 5. Time to vote. § 409. Penalty—fine not exceeding \$100. § 410. Revised to read "promise of employment *at* (instead of *or*) higher wages," and embodies St. 1894, c. 209. Penalty, imprisonment not longer than one year. (No fine.)

2. INTIMIDATION.

1875, c. 211.—§ 1. In any manufacturing establishment where a laborer, on leaving without notice, forfeits any part of

¹ An indictment on St. 1875, c. 211, charging that the defendant "by force and intimidation did seek to prevent A from continuing in the employment of" a certain corporation, sufficiently sets forth the offense intended to be charged. Further allegations are rejected as surplusage. *Commonwealth v. Markdyer*, 128 Mass. 70.

Banners displayed in front of a person's premises with inscriptions calculated to injure his business and to deter workmen from entering or continuing in his employment constitutes a nuisance which equity will restrain by injunction. *Sherry v. Perkins*, 147 Mass. 212.

his wages earned, a like penalty shall be upon the employer for discharging without notice, except for incapacity or misconduct. This shall not apply in time of general suspension of labor. § 2. Whoever shall, by intimidation or force prevent or seek to prevent any person or persons from entering or continuing in the employment of any corporation, company or individual, shall be fined not more than \$100.

P. S., c. 74.—Embodies 1875, c. 211. § 1. Discharge. § 2. Intimidation.

1888, c. 134.—§ 1. Labor or trade organizations may become incorporated, for lawful purposes, upon compliance with the requirements of *P. S., c. 115, § 3.* § 2. The commissioner of corporations shall endorse the certificate of conformity. § 3. Specified by-laws required. § 4. Approval by the commissioner is necessary when by-laws are changed. Only a majority vote shall eject a member, and all books and records shall be accessible to him.

1892, c. 330.—Any person, corporation or agent or officer thereof who coerces or compels any person or persons to agree not to join or become a member of a labor organization shall be fined, not exceeding \$100.

1894, c. 437.—Amends 1892, c. 330, by inserting after "become," "or continue to remain" a member, etc., and by defining "labor organization" to exclude any "organization seeking directly or indirectly to accomplish objects or purposes by intimidation or force."

1894, c. 508, §§ 1-3, 78.—Codifies *P. S., c. 74, §§ 1-2; 1892, c. 330; 1894, c. 437.* § 1. Discharge. § 2. Intimidation from employment. § 3. Intimidation from trade union. § 78. General penalty.

1895, c. 129.—Amends 1894, c. 508, § 1, by striking out "except for incapacity or misconduct, unless in case of a general suspension of labor."

1900, c. 469.—§ 1. No person or corporation, agent or employee of such, when under contract with the Commonwealth or any municipal corporation or county board, commissioner or officer acting for these, shall, directly or indirectly, make it a condition of employment that that person shall lodge, board or trade at any particular place or with a particular person. § 2. The provisions of this act shall form a part of such contracts. § 3. Penalty, fine, \$100 for each offence.

3. EMPLOYER'S LIABILITY.

Before 1877, the Common Law was the only remedy.

1877, c. 101.—No contract which exempts a person or corporation from liability for bodily injuries received by an employee is valid.

P. S., c. 74, §§ 3-5.—Embodies St. 1877, c. 101.

P. S., c. 112, § 212.—If a person—*not an employee*—while exercising due care, is killed through the negligence or carelessness of a railroad or street-railroad corporation, or of "the unfitness or gross negligence of its servants," the corporation shall be liable to fine—\$500-\$5,000—assessed with reference to the degree of culpability. Damages recoverable by indictment, *or* in action of tort brought by the next of kin, or executor, within one year.

1883, c. 243.—Amends c. 112, § 212, Public Statutes, by extending such recovery of damages to the railroad employee "killed under such circumstances as would have entitled him to maintain action if death had not resulted."¹

1887, c. 270.—When an employee, "exercising due care," is injured (1) by "ways, works or machinery" used in the employer's business, and defective through his own or his appointee's negligence; or (2) through the negligence of one in superintendence "whose sole or principal duty is that of superintendence;" or (3) through the negligence of one in "charge or control of any signal, switch, locomotive engine or train upon a railroad," the employee or his legal representative shall have "the same right of compensation and remedies against the employer as if he had not been an employee." § 2. In case of instant death the next of kin, "if dependent upon the wages of the deceased," may maintain action as though the deceased had consciously suffered and not died instantaneously. § 3. The maximum compensation shall be \$4,000, or in case of death (which includes injury) \$500-\$5,000, according to the culpability of the employer, and also with reference to the proportion which his contributions may bear to the whole of the employee's benefit fund.

1888, c. 155.—Amends 1887, c. 270, by requiring a written notice to be sent to the employer, signed by the injured man, who, if incapacitated, may send it within ten days of the removal of his incapacity. If he is incapacitated until death,

¹ Daley v. Bost. & Alb. R. R. Co., 147 Mass. 113.

notice may be sent by the executor within thirty days of his appointment.

- 1892, c. 260.—Amends 1887, c. 270, by allowing like action for damages when death was not instantaneous, or preceded by conscious suffering.
- 1893, c. 359.—Amends 1887, c. 270, by defining a "car" possessed or used by a railroad as "part of machinery."
- 1894, c. 499.—Amends 1887, c. 270, by including as superintendent "any person acting as superintendent with the authority or consent of such employer."
- 1897, c. 491, a.—Amends 1887, c. 270, by defining "train" as one or more cars in motion, whether attached or not to an engine;" "person in charge" as any person who, as part of his duty for the time being, physically controls or directs the movements of a signal, switch or train.
- 1900, c. 446.—Amends 1887, c. 270, § 3, by extending the time limit for bringing notice from thirty to sixty days.
- 1895, c. 362.—An employee does not assume risk by continuing in employment after the unlawful use of the locomotive has been brought to his attention.

2. REPORT OF ACCIDENTS.

- 1886, c. 260.—Accidents to employees in factories or manufacturing establishments, causing death or four days' detention from work, must be reported by the employer to the district police, recorded and annually published by the chief of police.
- 1890, c. 83.—Amends 1886, c. 260, by extending it to mercantile establishments.
- 1893, c. 111.—The chief of police shall send written acknowledgment to senders of accident reports.
- 1894, c. 481, 8-10.—Codifies 1886, c. 260; 1890, c. 83; 1893, c. 111.¹

¹ Is cumulative to the common law penalty. *Ryals v. Mechanics' Mills*, 150 Mass. 190; *Coughlin v. Boston Towboat Co.*, 151 Mass. 92; *Clark v. Merchant & Miners' Transp. Co.*, 151 Mass. 353.

The employee assumes evident risk. *Boyle v. N. Y., N. Eng. R. R.*, 151 Mass. 102; *Cassady v. Bost. & Alb. R. R.*, 164 Mass. 168; *Donahue v. Washburn & Moen Manuf. Co.*, 169 Mass. 574; *Cunningham v. Lynn & Bost. St. R. R.*, 170 Mass. 298; *Nealand v. Lynn & Bost. St. R. R.*, 173 Mass. 42.

St. 1887, c. 270, applies to cities and towns. *Pellingell v. Chelsea*, 161 Mass. 368; *Coughlan v. Cambridge*, 166 Mass. 268; *Norton v. New Bedford*, 166 Mass. 48.

An employee of a city commission is not necessarily an employee of the city. *McCann v. Waltham*, 163 Mass. 344; *Mahoney v. Bost.*, 171 Mass. 427.

V. WAGE PAYMENT.

1. WEEKLY PAYMENTS.

1879, c. 138.—Cities shall pay laborers, whose wages do not exceed \$2 per day, weekly upon request.

P. S., c. 28, § 12.—Embodies, 1879, c. 138.

1886, c. 87.—§ 1. Every manufacturing, mining, quarrying, mercantile, railroad, street railway, telegraph, telephone or

The care that an ordinarily sensible man would exercise under the given circumstances is considered "due care." *Mellor v. Merch. Manuf. Co.*, 150 Mass. 362; *Lothrop v. Fitchbg. R. R. Co.*, 150 Mass. 423; *Thompson v. Bost. & Me. R. R.*, 153 Mass. 391; *Shea v. Bost. & Me. R. R.* 154 Mass. 31; *Mather v. Bost. & Alb. R. R.*, 158 Mass. 36; *Browne v. N. Y. & N. Eng. R. R.*, 158 Mass. 247; *Lynch v. Bost. & Alb. R. R.*, 159 Mass. 536; *Brick v. Bossworth*, 162 Mass. 334; *Mears v. Bost. & Me. R. R.*, 163 Mass. 150; *McLean v. Chemical Paper Co.*, 165 Mass. 5; *Nihill v. N. Y., N. H. & H. R. R.*, 169 Mass. 52; *Willey v. Bost. Electric Light Co.*, 168 Mass. 40; *Hughes v. Malden & Melrose Gas Lt. Co.*, 168 Mass. 395; *Fairman v. Bost. & Alb. R. R. Co.*, 169 Mass. 170; *Scul-lane v. Kellogg*, 169 Mass. 544; *Foss v. Old Col. R. R.*, 170 Mass. 168; *Cavagnaro v. Clark*, 171 Mass. 359; *Murphy v. City Coal Co.*, 172 Mass. 324; *McCoy v. Westborough*, 172 Mass. 501; *Demers v. Marshall*, 172 Mass. 548; *Keegan v. Walker*, 172 Mass. 56; *Allard v. Hildreth*, 173 Mass. 26; *Knight v. Overman Wheel Co.*, 174 Mass. 455.

Working apparatus of sufficiently permanent character constitutes "ways, works or machinery" and is considered to be defective when due inspection would disclose the danger of handling it in customary usage. *Ryalls v. Mechanics' Mills*, 150 Mass. 190; *Dolan v. Alley*, 153 Mass. 380; *May v. Whittier Mach. Co.*, 154 Mass. 29; *Carbury v. Downing*, 154 Mass. 248; *Coffee v. N. Y., N. H. & H. R. R.*, 155 Mass. 21; *O'Keef v. Brownell*, 156 Mass. 121; *Trask v. Old Col. R. R. Co.*, 156 Mass. 304; *O'Malley v. S. Bost. Gas Lt. Co.*, 158 Mass. 135; *Fisk v. Fitchbg. R. R. Co.*, 158 Mass. 238; *Conroy v. Clinton*, 158 Mass. 318; *Regan v. Donovan*, 159 Mass. 1; *Prendible v. Conn. Riv. Manuf. Co.*, 160 Mass. 131; *Beauregard v. Webb Granite & Construct. Co.*, 160 Mass. 201; *Lynch v. Allyn*, 160 Mass. 248; *Engel v. N. Y., Prov. & Bost. R. R.*, 160 Mass. 260; *Burns v. Washburn*, 160 Mass. 457; *Bronellette v. Conn. Riv. R. R. Co.*, 162 Mass. 198; *Bowers v. Conn. Riv. R. R. Co.*, 162 Mass. 312; *Carroll v. Willcutt*, 163 Mass. 221; *Shea v. Wellington*, 163 Mass. 365; *Caron v. Bost. & Alb. R. R. Co.*, 164 Mass. 523; *Geloneck v. Dean Steam Pump Co.*, 165 Mass. 202; *Adas-ken v. Gilbert*, 165 Mass. 443; *Coughlan v. Cambridge*, 166 Mass. 268; *Welch v. Grace*, 167 Mass. 590; *Whittaker v. Bent*, 167 Mass. 588; *Reynolds v. Barnard*, 168 Mass. 226; *Willey v. Bost. Electric Lt. Co.*, 168 Mass. 40; *McCay v. Hand*, 168 Mass. 270; *Bique v. Hosmer*, 169 Mass. 541; *Gunn v. N. Y., N. H. & H. R. R.*, 171 Mass. 417; *Whelton v. W. End St. R. R.*, 172 Mass. 555; *Keegan v. Walker*, 172 Mass. 56; *Copithorne v. Hardy*, 173 Mass. 400; *McMahon v. McHale*, 174 Mass. 320.

A superintendent is deemed negligent when he fails to exercise such forethought for the safety of his workmen as would an ordinarily careful man in carrying on the work. *Lothrop v. Fitchbg. R. R. Co.*, 150 Mass. 423; *Malcolm v. Fuller*, 152 Mass. 160; *Coffee v. N. Y., N. H. & H. R. R.*,

municipal corporation, and any incorporated express company or water company, shall pay all employees weekly,—but if such employee is absent, he shall be entitled to the wages on demand. § 2. Wages, penalty (\$10-\$50) and costs shall be recoverable upon complaint

155 Mass. 21; McCauley v. Norcross, 155 Mass. 584; Connolly v. Waltham, 156 Mass. 368; Shepard v. Bost. & Me. R. R., 158 Mass. 174; Davis v. N. Y., N. H. & H. R. R., 159 Mass. 532; Prendible v. Conn. Riv. Manuf. Co., 160 Mass. 131; Beauregard v. Webb Granite & Construction Co., 160 Mass. 201; Mahoney v. N. Y. & N. Eng. R. R., 160 Mass. 573; Shea v. Wellington, 163 Mass. 365; O'Neil v. O'Leary, 164 Mass. 387; Geleneck v. Dean Steam Pump Co., 165 Mass. 202; Crowley v. Cutting, 165 Mass. 436; Norton v. New Bedford, 166 Mass. 48; McCann v. Kenedy, 167 Mass. 23; Welch v. Grace, 167 Mass. 590; Nihill v. N. Y., N. H. & H. R. R., 167 Mass. 52; Kanz v. Page, 168 Mass. 217; Hughes v. Malden & Melrose Gas Lt. Co., 168 Mass. 395; Thompson v. Norman Paper Co., 169 Mass. 416; Scullane v. Kellogg, 169 Mass. 544; Cunningham v. Lynn & Bost. St. R. R., 170 Mass. 298; Gardner v. New Eng. Telephone, 170 Mass. 156; Cavagnaro v. Clark, 171 Mass. 359; Murphy v. City Coal Co., 172 Mass. 324; Collins v. Greenfield, 172 Mass. 78; McCoy v. Westborough, 172 Mass. 504; Leslie v. Granite R. R., 172 Mass. 468; Copithorne v. Hardy, 173 Mass. 400; O'Brien v. W. End St. R. R., 173 Mass. 105; Millard v. W. End St. R. R., 173 Mass. 512; O'Riley v. Bowker Fertilizer Co., 174 Mass. 202; La Belle v. Montague, 174 Mass. 453; Knight v. Overman Wheel Co., 174 Mass. 455.

"The employer is not liable to the employee for injuries due to the careless manner in which (he or) his fellow servants do their share of the work." O'Keef v. Brownell, 156 Mass. 131; Fitzgerald v. Bost. & Alb. R. R., 156 Mass. 293; Cashman v. Chase, 156 Mass. 352; Roseback v. Aetna Mills, 158 Mass. 379; Burns v. Washburn, 160 Mass. 457; O'Brien v. Rideout, 161 Mass. 170; Dowd v. Bost. & Alb. R. R., 162 Mass. 185; Adasken v. Gilbert, 165 Mass. 443; Whittaker v. Bent, 167 Mass. 588; Brittan v. W. End St. R. R., 168 Mass. 10; Riou v. Rockport Granite Co., 171 Mass. 162; O'Brien v. Look, 171 Mass. 36; Flynn v. Bost. Electric Lt. Co., 171 Mass. 395; Gouin v. Woodbury, 173 Mass. 180; La Belle v. Montague, 174 Mass. 453.

The "person in charge" of a signal, switch, etc., is deemed negligent when he fails to exercise the diligence of an ordinarily careful man. Ramsdell v. N. Y. & New Eng. R. R., 151 Mass. 245; Dacey v. Old Col. R. Co., 153 Mass. 112; Donahoe v. Old Col. R. R. Co., 153 Mass. 356; Thyng v. Fitchburg R. R. Co., 156 Mass. 13; Steffe v. Old Col. R. R. Co., 156 Mass. 262; Devine v. Bost. & Alb. R. R. Co., 159 Mass. 348; Davis v. N. Y., N. H. & H. R. R. Co., 159 Mass. 532; Perry v. Old Col. R. R. Co., 164 Mass. 296; Caron v. Bost. & Alb. R. R. Co., 164 Mass. 523; Coughlan v. Cambridge, 166 Mass. 268; Fairman v. Bost. & Alb. R. R. Co., 169 Mass. 170; Shea v. N. Y., N. H. & H. R. R. Co., 173 Mass. 177.

Death is considered to have been instantaneous, etc., when there is no evidence of subsequent life or consciousness. Meher v. Bost. & Alb. R. R. Co., 158 Mass. 36; Mears v. Bost. & Me. R. R. Co., 163 Mass. 150; Wiley v. Bost. Electric Lt. Co., 167 Mass. 40; Green v. Smith, 169 Mass. 485; Knight v. Overman Wheel Co., 174 Mass. 455.

A notice is deemed sufficient in which enough appears to show it to be

within thirty days (§ 4), to be compelled by warrant of distress. § 3. The case shall be yielded by the non-appearance of the accused.

1887, c. 399.—Amends 1886, c. 87, § 1, by striking out "municipal corporations" from the first clause, to insert later that "every incorporated city" shall pay every employee weekly unless requested otherwise in writing; by requiring "every municipal corporation not a city, and every incorporated county," so to pay if requested; by providing that co-operative corporations need not so pay a stockholding employee unless requested; and providing that the railroad commissioners after hearing may revoke this requirement when it appears to be prejudicial. § 2. By adding that the chief of district police or an inspector may bring complaint against a corporation which does not comply within two weeks after written notice that such complaint will be brought; and by allowing in defence attachment or valid assignment of wages,—assignment directly or indirectly to the corporation being invalid, claim against, absence of or tender to the employee.

1891, c. 239.—Amends 1886, c. 87, by striking out the warning notice of complaint to be brought; and by debarring as defence payment after complaint.

1894, c. 508, §§ 51-54.—Codifies P. S., c. 28, § 12; 1886, c. 87; 1887, the basis of a claim against the defendant, not misleading him; and when the same is brought, on behalf of the person who institutes suit, within the designated time, but not on the same day that writ of action is served. *Drommie v. Hogan*, 153 Mass. 29; *Donahue v. Old Col. R. R. Co.*, 153 Mass. 356; *Dolan v. Alley*, 153 Mass. 380; *Gustafsen v. Washburn & Moen Manuf. Co.*, 153 Mass. 468; *Daly v. N. J. Steel & Iron Co.*, 155 Mass. 1; *Jones v. Bost. & Alb. R. R. Co.*, 157 Mass. 51; *Veginan v. Morse*, 160 Mass. 143; *Beauregard v. Webb Granite & Construction Co.*, 160 Mass. 201; *Brick v. Bosworth*, 162 Mass. 334; *Driscoll v. Fall Riv.*, 163 Mass. 105; *Coughlan v. Cambridge*, 166 Mass. 268; *Shea v. N. Y., N. H. & H. R. R. Co.*, 173 Mass. 177.

¹ A complaint for violation of St. 1894, c. 508, § 51, which contains no sufficient allegation that the wages were due, is fatally defective. *Commonwealth v. Dunn*, 170 Mass. 140.

When, by agreement, a weaver is paid according to the "quality," which is "to be determined by the superintendent," the reference is to "differences of quality for which the weaver is responsible." A deduction, under an agreement, made from weekly wages as a fine for imperfect weaving, is not a violation of St. 1894, c. 508, § 51; and if sued for the amount, the corporation is entitled to judgment under a general denial, or to recover in set-off. *Gallagher v. Hathaway Manufacturing Corporation*, 172 Mass. 230.

c. 399; 1891, c. 239. § 51. Payments. § 52. Complaint, defence. §§ 53-54. Proceedings.

¹1895, c. 438.—Amends 1894, c. 508, §§ 51-54, by defining "corporations" to include "any person or partnership in any manufacturing business and having more than twenty-five employees."

1896, c. 241.—Amends 1895, c. 438, by forbidding special contract as a means of exemption from weekly payments, under penalty of \$10 to \$50.

1896, c. 334.—Amends 1895, c. 438, by including "contractors" under the head of "corporations."

1898, c. 481.—Amends 1895, c. 438, by striking out "having more than twenty-five employees."

1899, c. 247.—Amends 1895, c. 438, § 1, by extending it to those "in any of the building trades; in quarries or mines; in public works; in construction or repair of railroads, street railways, roads, bridges, sewers, gas, water, or electric-light works, pipes, or lines."

1900, c. 407.—Amends 1894, c. 508, § 51, by extending it, in as far as it applies to cities of the Commonwealth, to the Commonwealth, its officers, boards and commissions when these employ mechanics, workmen, and laborers.

2. FINES.

1887, c. 361.—Fines for imperfect weaving must be in accordance with printed and posted lists; imposed only when due to "willfulness, incapacity or negligence," and when discovered and shown to the weaver on the first examination of goods. A fine shall not exceed the actual damage. Three days' notice of action for recovery of wages, to be brought within thirty days, must be given the employer.

1891, c. 125.—Repeals 1887, c. 361. No fine shall be imposed for imperfections in weaving. Copies of this act shall be posted in weaving rooms. Penalty for first offence, not more than \$100; for further offence, \$300,—failure to post the act \$25.²

¹ Opinion of Justices to the House of Representatives: "We cannot say that a statute requiring manufacturers to pay the wages of their employees weekly is not one which the General Court has the constitutional power to pass, if it deems it expedient so to do." 163 Mass. 589.

² St. 1891, c. 125, § 1, is in conflict with the Constitution of this Commonwealth, in forbidding the employer to withhold any part of the contract price from a weaver upon his doing the work improperly, and in requiring the employer to pay the same price for imperfect as for good work,

1892, c. 410.—Repeals 1891, c. 125. § 1. Wages of weavers shall not be lessened by "grading," except for imperfections pointed out to the weaver, and by amounts agreed upon by both parties. § 2. Penalty for first offence, not over \$100; for further offence, not over \$300.

1894, c. 508, § 55.—Embodies 1892, c. 410.

1894, c. 534.—A printed ticket specifying work required, wages paid, etc., must be supplied with each warp to weavers in cotton mills who are paid by the piece, cut or yard. Similar specifications shall be given to frame tenders, warpers and to operatives paid by the pound. Such specifications must be given to new operatives within seven days of beginning work. Penalty for the first offence, \$25 to \$50; for subsequent violations, \$50 to \$100.

1895 c. 144.—Repeals inconsistencies. The occupier or manager of every textile factory shall post in every job-workroom printed or legibly written notices (in sufficient numbers to be accessible to employees) specifying the character of each kind of work and the rate of compensation. Details enumerated. Penalty, upon the occupier or manager who violates: for first offence, \$25 to \$50; for subsequent violations, \$50 to \$100.

1898, c. 505.—In any manufacturing or mechanical establishment, no deduction in wages and no overtime work unremunerated at the regular rate shall be allowed in the case of women or minors who were refused leave during a stoppage of machinery. Any person, corporation or officer or agent thereof who violates, shall be fined not more than \$20.

VI. ARBITRATION.

1886, c. 263.—§ 1. The governor, with the approval of the council, shall appoint annually three persons competent to act as a State Board of Arbitration—one an employer, one a labor representative and the third selected by these, or the governor.

and particularly with the first article of the Declaration of Rights, which secures to all the right "of acquiring, possessing, and protecting property." (One of five Judges dissenting.)

It seems that an indictment (St. 1891, c. 125) is sufficient, which alleges first count, that the defendant on a certain date did "impose and exact a fine, to wit, a fine of forty cents," upon a weaver "for imperfections" in weaving, and in the second count, that he at the same time and place did "withhold a certain part of the wages of such weaver, to wit, the sum of forty cents." *Commonwealth v. Perry*, 155 Mass. 117.

They shall appoint their own officers, of chairman and clerk. § 2. The board shall establish rules of procedure, with the approval of the governor. § 3. Any controversy between employers and workers (not less than twenty-five) "involving questions which may be subject of suit at law or bill in equity," may be submitted to the board. On application (§ 4), by the employer or a majority of the employees, the board shall visit and enquire, hear all persons interested and "advise" parties as to what should be done. The written decision shall be made public and entered in the annual report. § 4. Parties shall promise a three weeks' truce (*i. e.*, no strike or lockout), and if either breaks promise, further action is barred unless the other consents. Public notice of hearings shall be given. § 5. The written decision shall be open for public inspection, recorded and published, at the discretion of the board. § 6. The decision shall be binding for six months or until after sixty days' notice in writing given by either party—postment in three conspicuous places in the shop shall be sufficient notice to employees. § 7. Parties in controversy may agree upon a board of arbitration, which shall have like powers with the state board and advise with and report to it. § 8. Salaries, etc.

1887, c. 269.—Amends 1986 c. 263, § 1, by defining the term of office to be three years—one member to retire annually, and by restating officers: Chairman and *secretary* to be elected by the board, which may also appoint and remove a clerk. § 3. (A. § 4) By requiring the board to satisfy itself an application by a labor representative is duly authorized in writing—names of employees so authorizing to be held secret by the board. By omitting public notice of hearings when so requested by both parties, but reserving the right to the board to give such public notice, at its discretion, at any point of the procedure. By investing the board with power to summon and examine, under oath, any operative or person keeping records of earnings, and to require the production of books recording wages paid. § 4. (A. 7). By substituting as follows: A controversy may be submitted to a local board of arbitration either mutually agreed upon or consisting of one representative from each party and a third chosen by these to be the chairman. This board shall have like powers with the state board and exclusive jurisdiction, receiving such advice from that board as it shall ask. The decision,

which shall be rendered and reported within ten days of the closing of hearings, shall be binding according to the agreement of parties in their written submission. The mayor or selectmen shall notify the state board of an impending strike or lockout. § 5. (A. 8) By substituting as follows: When the board hears of a threatened strike or lockout (involving twenty-five employees) it shall at once open communication with the parties, to effect an amicable settlement or to persuade them to arbitrate. The board may inquire into causes and publish a report assigning responsibility. § 9. Witnesses. § 10. Salaries.

1883, c. 261.—Amends 1887 c. 269, § 1, by striking out the secretary and limiting the salary of the clerk to \$1,200 per year.

1890, c. 385.—Amends 1886, c. 263, § 4, as amended by St. 1887, c. 269, § 3, by allowing the assistance of two or more experts, nominated by the parties and appointed by the board, who, under oath of service, shall examine and report upon wages and methods in similar work elsewhere in the Commonwealth.

1892, c. 382.—Amends 1886 c. 263, § 4, by allowing said experts to attend sessions of the board when required, and conference with them before rendering decision. Also by requiring record to be kept of their oath of service. (Salaries of experts.)

VII. CHEAP TRAINS.

1872, c. 348.—Railroads running from Boston shall furnish short-distance local trains, morning and evening, at reduced rates for workmen.

1882, c. 112.—When two hundred or more persons make application, any railroad which runs from Boston shall furnish trains for workmen—to a distance of fifteen miles—about six o'clock, morning and evening, or at hours fixed by the commissioners. Season tickets shall not be more than \$3.00 per man, per year.

VIII. LIQUOR LAW.

1882, c. 100.—Notice may be given to a liquor dealer by an employer, forbidding the sale of liquor to a specially designated employee for the term of twelve months. If the employer

suffers injury through the violation of the notice, he may recover \$100 to \$500 damages through action of tort.

IX. ALIEN LABOR.

1882, c. 86.—Corporations or persons who bring alien laborers into the state shall give \$300 bonds as surety that such laborers shall not come upon the relief funds of the Commonwealth within two years.

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HISTORICAL SKETCH OF THE ACADEMY.

The American Academy of Political and Social Science was founded at a meeting held in Philadelphia, December 14, 1889. ^{Date of organization} It was the outgrowth of the desire for an organization in which the widespread interest in political, economic and social discussion should find a focus. It was felt by those who called the meeting that these interests should have an organ which could properly represent this wide group of sciences, and be at the same time an intermediary between scientific thought and practical effort. In many fields, earnest men and women were at work in various reform movements, without co-operation, and, above all, without the sympathy and support of those pursuing allied interests, whether in a practical or a theoretical way.

These considerations were laid before the preliminary meeting held in December, 1889, and led to the foundation of the American Academy of Political and Social Science. ^{The Academy idea} The Academy form of organization was adopted advisedly. It was not the intention of the founders to form an exclusive and small body of experts on these subjects, but to make the Academy idea thoroughly democratic. This, it is true, is something of a departure from the current notion of an Academy as developed by learned bodies, both in this country and abroad. Nevertheless it is desired to maintain the essential principle of all Academies, namely, co-operation and mutual fellowship among the members. The council determined to admit to the American Academy of Political and Social Science anyone of high or humble station, of great or small intellectual attainments, providing only that a sincere interest in the search for light and truth concerning social and economic questions was manifest. The data of the social sciences are so widely distributed in time and space and are to be derived so directly from the experience and thought of individuals in all stations of life, that it probably lies within the range of possibility for every human being who will observe and reflect upon the commonest experiences of every-day life to contribute something to the sum of knowledge on these subjects. It is therefore, one of the objects of the Academy to stimulate and direct such observation and reflection on the part of all those

who come in touch with this work that they may become, first of all, more intelligent citizens, and secondly, that each member may be willing to assist any other member, through the medium of our publications and, when called upon, through correspondence, in the securing of information from all quarters bearing on social and economic problems. The present large membership, widely distributed geographically, has enabled us to realize already in some small measure this large ideal.

Philadelphia
Social Science
Association
affiliated

At the first meeting the Constitution of the Academy was adopted, officers elected and methods of work outlined. Soon after the foundation of the Academy, a proposition was received from the Philadelphia Social Science Association, looking to a merging of that organization with the newly formed Academy. This proposition was accepted, the members of the Philadelphia Social Science Association becoming members of the Academy, and the publications of the older association passing into its control. A record of the useful and honorable career of the Philadelphia Social Science Association was prepared by Mr. Joseph G. Rosengarten and published in the ANNALS for April, 1891.

Membership

With this nucleus for a membership, the Academy started under fair auspices, and the rapid growth which soon followed more than justified the hopes of its founders. With each increase in membership it has been possible to extend the scope and usefulness of the Academy's work. The record of activity since the foundation of the Academy has been one of constant growth and expansion. Through the active co-operation of its members and of scholars throughout the world, it has been able to pursue the aims of its founders with a degree of success which is cause for congratulation. We stand, however, at the beginning of our work. Deep problems of varied character beset modern society, and the intelligent consideration of them demands an unremitting intellectual labor.

Aims

The object of the Academy, as stated in its by-laws, is the promotion of the political and social sciences, in the comprehensive sense of those terms. It has sought to stimulate discussion through its public meetings, and to foster scientific research through its publications. In both of these chief avenues of its activity it has been singularly successful.

Meetings

The meetings of the Academy have been held at irregular intervals through the winter months in the city of Philadelphia.

At the outset several papers were often read at each meeting, but experience has shown that unless the topics of the papers are related, and furnish the basis of a common discussion, this plan has its disadvantages. More recently each meeting has been devoted to a single topic which has been fruitful in stimulating discussion. In presenting a record of the meetings of the Academy, it has been found practicable to record only the principal speakers and the titles of their papers. Such a list shows the wide variety of topics which fall within the Academy's activity and their importance to the welfare of the community.

The meetings of the Academy have been as follows:

1. March 21, 1890.—Dr. Stuart Wood, "Theories of Wages."

Prof. S. N. Patten, "Decay of Local and State Governments in the United States."

2. April 29, 1890.—Prof. F. H. Giddings, "Province of Sociology."

Prof. E. J. James, "A New System of Passenger Fares."

3. November 13, 1890.—Prof. W. P. Holcomb, "Our National Bureau of Education."

Prof. F. N. Thorpe, "Are the State Governments Decaying?"

4. December 12, 1890.—Prof. C. Stuart Patterson, "The Original Package Decision."

5. January 14, 1891.—Dr. John S. Billings, "Public Health and Municipal Government."

6. February 12, 1891.—Mr. F. W. Holls, "Compulsory Voting."

7. March 12, 1891.—Mr. F. B. Hawley, "Preliminaries to the Discussion of Socialism."

8. April 17, 1891.—Mr. E. R. Johnson, "River and Harbor Bills."

9. May 15, 1891.—Mr. E. P. Oberholtzer, "American Forms of the Referendum."

Prof. S. N. Patten, "Economic Basis of Prohibition."

10. November 24, 1891.—Mr. F. P. Prichard, "The Study of Municipal Government."

Mr. Lincoln L. Eyre, "The Relation of National Party to Municipal Government."

Mr. William Draper Lewis, "The Political Organization of a Modern Municipality."

11. December 15, 1891.—Mr. D. I. Green, "Value as a Quality Instead of a Ratio."
Mr. Charles Richardson, "Party Government."
12. January 26, 1892.—Dr. Charles De Garmo, "Ethical Training in the Public Schools."
13. February 26, 1892.—Mr. R. H. Dana, "The Practical Working of the Australian Voting System in Massachusetts."
Mr. C. C. Binney, "Merits and Defects of the Pennsylvania Ballot Law of 1891."
14. April 5, 1892.—Prof. E. P. Cheyney, "A Third Revolution."
Mr. L. K. Stein, "The Relation of the Street Railways to the City of Philadelphia."
15. May 13, 1892.—Mrs. S. L. Oberholtzer, "School Savings Banks."
Mr. H. I. Smith, "Postal Savings Banks."
16. November 30, 1892.—Prof. F. H. Giddings, "The Ethics of Social Progress."
17. January 12, 1893.—Mr. Horace White, "National and State Banks."
Hon. M. D. Harter, "American Banking and the Money Supply of the Future."
Hon. J. H. Walker, "The Banking System Old and New."
18. February 23, 1893.—Dr. Isaac Sharpless, "The Relation of the State to Education in England and America."
19. April 27, 1893.—Prof. Lester F. Ward, "The Political Ethics of Herbert Spencer."
20. November 17, 1893.—Prof. R. P. Falkner, "The Monetary Conference of 1892."
21. December 20, 1893.—Dr. L. S. Rowe, "Some Factors of Municipal Efficiency."
22. February 8, 1894.—President J. F. Crowell, "Co-operative Study of Political Ethics."
23. March 16, 1894.—Mr. E. L. Godkin, "Problems of Municipal Government."
24. April 20, 1894.—Dr. J. G. Brooks, "The Future Problem of Charity and the Unemployed."
25. May 11, 1894.—Mr. Edward Porritt, "Break-up of the Old System of Two Parties in the House of Commons."
26. October 25, 1894.—Dr. E. R. L. Gould, "The Liquor Problem and Its Scientific Treatment."

27. November 27, 1894.—Prof. S. N. Patten, "Teaching of Political Economy in the Public Schools."
28. January 30, 1895.—F. J. Stimson, Esq., "Uniform State Legislation on Subjects of Extra Territorial Effect."
29. March 7, 1895.—Prof. J. W. Jenks, "Proportional Representation."
30. November 13, 1895.—Prof. L. M. Keasbey, "Nicaragua Canal and the Monroe Doctrine."
31. December 18, 1895.—Dr. S. M. Lindsay, "Social Observation; or, the Modern City as a Laboratory."
32. January 22, 1896.—Prof. George Wharton Pepper, "The Methods of Legal Education."
33. February 27, 1896.—Mr. W. M. F. Round, "The Higher Economics of Penology; or, The Value of Reformatory Effort."
34. March 26, 1896.—Hon. Martin A. Knapp, "Railway Pooling, the Conditions Under Which It Could be Legalized."
35. April 22, 1896.—D. S. Remsen, Esq., "The Fusion of Political Parties, Australian Methods and Results."
36. November 20, 1896.—Prof. Roland P. Falkner, "The Organization of the Census."
37. December 18, 1896.—Prof. Nicholas Murray Butler, "The Administration of City Schools."
38. February 25, 1897.—Dr. Edward T. Devine, "The Shifting and Floating City Population."
39. March 26, 1897.—Prof. Sidney T. Sherwood, "The Philosophic Basis of Economics: A Word to the Sociologists."
40. April 21, 1897.—Prof. Edmund J. James, "Training for Citizenship."
41. April 22, 1897 (10 a. m.).—Mr. George E. Bartol, "Foreign Commerce and Its Relation to National Prosperity."
 Prof. E. R. Johnson, "American Manufactures in Foreign Markets."
 Hon. Robert Adams, Jr., "Opening of Foreign Markets to American Goods."
42. April 22, 1897 (3 p. m.).—Dr. Joseph H. Senner, "The Immigration Question."
43. April 22, 1897 (8 p. m.).—Hon. James H. Eckels, "The National Banking System."
44. November 19, 1897.—Dr. W. E. Burghardt Du Bois, "The Study of the Negro Problems."

45. December 17, 1897.—Mr. L. G. Fouse, "The Economic Relation of Life Insurance to Society and the State."
Mr. Miles Menander Dawson, "The Function of Insurance in Modern Society."
46. January 26, 1898.—Dr. John Graham Brooks, "The Consumers' League."
47. February 25, 1898.—Prof. Joseph French Johnson, "The Proposed Reforms in the Monetary System."
48. April 11, 1898.—Prof. Franklin H. Giddings, "The Practical Value of Sociology."
49. April 12, 1898 (10 a. m.).—Prof. Leo S. Rowe, "Sociology and Politics."
Prof. Samuel McCune Lindsay, "The Unit of Investigation in Sociology."
50. April 12, 1898 (3.30 p. m.).—Prof. John L. Stewart, "The Teaching of Social Sciences in High Schools."
Prof. Edmund J. James, "The Teaching of the Social Sciences in Commercial High Schools."
Prof. George C. Wilson, "The Teaching of the Social Sciences in Colleges."
51. April 13, 1898 (10 a. m.).—Dr. Fred. H. Wines, "The Relation of Sociology to Philanthropy."
Miss Mary E. Richmond, "The Training of Philanthropic Workers."
52. November 12, 1898.—Miss Jane Addams, "The Scope and Meaning of Social Settlements."
53. January 2, 1899.—Prof. Henry C. Adams, "Federal Taxation of Interstate Commerce."
Prof. Edwin R. A. Seligman, "State Taxation of Corporations as a Means of State Control."
Thomas G. Shearman, Esq., "Municipal Taxation of Corporations as a Means of Local Control."
54. January 24, 1899.—Reception to The Right Honorable Lord Herschell.
55. March 7, 1899.—Hon. Carroll D. Wright, "The Work of the United States Industrial Commission."
56. April 7, 1899 (3 p. m.).—Prof. Theodore S. Woolsey, Prof. E. W. Hoffcut, A. Laurence Lowell, Esq., W. Alleyne Ireland, Esq., "The Government of Dependencies."
57. April 7, 1899 (8 p. m.).—The Honorable Carl Schurz, "Militarism and Democracy."

58. April 8, 1899 (3 p. m.).—Worthington C. Ford, Esq., Robert T. Hill, Esq., "Our Commercial Relations with the Far East."
59. April 8, 1899 (8 p. m.).—His Excellency Wu Ting-fang, "China's Relation with the West."
Hon. John Bassett Moore, "The Policy of the United State in the Far East."
60. October 25, 1899.—Hon. Frederic Emory, "International Rivalry in Trade."
Hon. John A. Cockburn, "Recent Extension of the Sphere of State Activity."
Hon. W. Pember Reeves, "Arbitration in Labor Disputes."
61. December 14, 1899.—Professor Richard T. Ely, Mr. Henry Jones Ford and Dr. Frederic W. Spiers, "The Economic, Political and Social Movements of the Decade."
62. January 11, 1900.—The Honorable Frederic W. Holls, "The World's Progress Towards Peace, as Illustrated by the Conference at the Hague."
63. April 19, 1900 (3 p. m.).—Prof. L. S. Rowe, Hon. Bird S. Coler, Prof. John H. Gray, and Dr. Frederic W. Spiers, "The Control of Public-Service Corporations."
64. April 19, 1900 (8 p. m.).—Hon. William Lindsay, "The Influence of Corporations on Political Life."
65. April 20, 1900 (3 p. m.).—James B. Dill, Esq., Hon. John Wanamaker, Mr. W. H. Baldwin, Jr., and Hon. M. D. Ratchford, "Combination of Capital as a Factor in Industrial Progress."
66. April 20, 1900 (8 p. m.).—Hon. Nelson W. Aldrich, Hon. Robert P. Porter and Mr. Charles R. Miller, "The Future of Protection."
67. November 20, 1900.—His Excellency Wu Ting-fang, Rev. Wm. A. P. Martin and Hon. Geo. F. Seward, "The Causes of the Unpopularity of the Foreigner in China."
68. December 18, 1900.—Prof. John H. Finley, "The Problem of the Tropics."
69. January 15, 1901.—Hon. J. L. M. Curry, "Recent Tendencies in Free Political Institutions."
70. February 19, 1901.—Prof. Emory R. Johnson and Colonel Peter C. Hains, "The Isthmian Canal."

71. April 12, 1901 (3 p. m.).—Dr. Titus Munson Coan and Rev. Charles C. Pierce, "The Races of the Pacific."
72. April 12, 1901 (8 p. m.).—Prof. Edward A. Ross, "The Causes of Race Superiority."
73. April 13, 1901 (3 p. m.).—Col. Hilary A. Herbert, President George T. Winston and Professor W. E. Burghardt Du Bois, "The Race Problem at the South."
74. April 13, 1901 (8 p. m.).—Hon. Orville H. Platt and Mr. Charles M. Pepper, "The Races of the West Indies."

The five annual meetings of the Academy, held in the month of April each year since 1897, have become a most important feature of the Academy's work and have attracted wide attention as notable public gatherings from the press of the whole country. They have enabled the Academy to group four sessions around a single topic, different aspects of which could thus be thoroughly discussed; and yet the meeting as a whole, and the volume containing a verbatim report of its proceedings, constitute a comprehensive and unified contribution to an important public question. At the first annual meeting the idea of adopting a single general topic was not primarily in the minds of the Committee; but most of the papers ranged themselves about the topic of the annual address, given by the President of the Academy, Professor Edmund J. James, on the subject of "The Training for Citizenship."

The second annual meeting was devoted to the subject, "The Study and Teaching of Sociology"; the third to the subject of "The Foreign Policy of the United States—Political and Commercial"; the fourth to the subject of "Corporations and Public Welfare"; and the fifth, in April, 1901, to a discussion of "America's Race Problems." The interest in these meetings has increased steadily, and the attendance each year becomes more representative of different sections of the country. The annual address is the central feature of the annual meeting. These have been given each year by men eminent as specialists and authorities on the subjects that are discussed, whose utterances command the thoughtful attention of the general public and are of great educational value in molding public opinion.

The following gentlemen have, upon invitation from the Committee on Meetings, given the annual address upon the dates indicated:

1. April 21, 1897.—Professor E. J. James, President of the Academy, "The Training for Citizenship."
2. April 11, 1898.—Professor Franklin H. Giddings, of Columbia University, Vice-President of the Academy, "The Practical Value of Sociology."
3. April 7, 1899.—Hon. Carl Schurz, "Militarism and Democracy."
4. April 19, 1900.—Hon. William Lindsay, U. S. Senator from Kentucky, "The Influence of Corporations on Political Life."
5. April 12, 1901.—Professor Edward A. Ross, University of Nebraska, "The Causes of Race Superiority."

These meetings have taxed the energies of the Committee on Meetings from year to year, but their conscientious labors have been rewarded by the ample success of the annual meetings and above all by the influence which the proceedings of these meetings, in published form, have exercised throughout the country. The meetings have brought together groups of experts on special questions, probably not equaled in any similar gatherings heretofore held in this country. In its editorial comment upon the meeting of 1901, one of the leading daily papers of Philadelphia called attention to the fact that the foreign policy of the United States had proceeded almost without exception along the lines laid down at the Academy's annual meeting of 1899. The Corporation volume of last year had a still wider circulation and ranks as a standard work among those alike interested in the conduct and in the control of corporations. The volume on Race Problems bids fair to excel in scientific value and in popular interest both its predecessors.

The annual meetings have, moreover, given scope for the exercise of the traditional hospitality of Philadelphia. Public-spirited individuals, the various social clubs of the city, and sister organizations, as well as the University of Pennsylvania—to which the Academy owes so much of encouragement and support in every stage and in every department of its career—have all co-operated in making these annual gatherings of the Academy pleasant and memorable events of the year.

The work of the Reception Committee of Ladies, of which Mrs. Charles Custis Harrison has been chairman for several

years, is worthy of special mention. The informal receptions connected with each monthly meeting, and the larger burdens assumed by this Committee in connection with the annual meetings each year, have contributed not a little to the success of the Academy's work. The following ladies have served upon one or more of these reception committees:

Mrs. John Quincy Adams,	Mrs. Samuel McCune Lindsay,
Miss Baldwin,	Miss MacVeagh,
Mrs. Leverett Bradley,	Miss Mary T. Mason,
Mrs. George Burnham, Jr.,	Mrs. John Bach McMaster,
Mrs. Hampton L. Carson,	Miss Mary McMurtrie,
Mrs. Edward H. Coates,	Mrs. Harrison S. Morris,
Mrs. John H. Converse,	Mrs. J. Cheston Morris,
Mrs. Stephen W. Dana,	Mrs. Joseph P. Mumford,
Mrs. Edward P. Davis,	Miss Ethel Nelson Page,
Mrs. Eugene Ellicott,	Mrs. Stuart Patterson,
Mrs. Theodore N. Ely,	Mrs. Edward M. Paxson,
Mrs. Roland P. Falkner,	Mrs. Charles Platt, Jr.,
Mrs. A. H. Fetterolf,	Mrs. William W. Porter,
Miss Hannah Fox,	Mrs. Charles Roberts,
Mrs. Persifor Frazer,	Mrs. Henry Rogers Seager,
Mrs. George Stuart Fullerton,	Mrs. Cornelius Stevenson,
Mrs. E. D. Gillespie,	Miss M. Carey Thomas,
Mrs. Charles Custis Harrison,	Miss Mary Warwick,
Miss Katharine B. Hayward,	Miss Susan P. Wharton,
Mrs. George Henderson,	Mrs. DeForest Willard,
Mrs. Emory R. Johnson,	Mrs. Talcott Williams,
Mrs. Joseph French Johnson,	Mrs. Robert N. Willson,
Mrs. William H. Lamberton,	Miss Mary Winsor,
Mrs. Robert W. Lesley,	Mrs. Owen Wister,
Miss Jessica England Lindsay,	Mrs. Clinton Rogers Woodruff.

Publications

The publications of the Academy have been issued under the title: ANNALS of the American Academy of Political and Social Science, and the Supplements to the ANNALS. In the ANNALS there have appeared a large number of papers submitted to the Academy, which have been read and discussed at its meetings, as well as many read by title only. Thus, the fruitful and stimulating influence of the Academy upon scientific research has been brought to the knowledge of its members. It would be

superfluous to name here all the important contributions which have been made to political and social science through the Academy. Banking, Constitutional History, Criminology, Economic Theory, Education, Finance, Industrial History and Problems, Institutional History, International Law, Jurisprudence, Money, Municipal Government, Political Institutions, Political Science, Sociology and Social Problems, Taxation and Transportation are among the more important subjects upon which leading articles have appeared. These articles and the names of their authors are well indexed for ready reference in each separate volume of the ANNALS. The complete set of the ANNALS now comprises seventeen large volumes which constitute in themselves a good working library of the social sciences. The ANNALS are now recognized as one of the most valuable sources of material for students.

In addition to the publication of papers presented to the Academy, the editors have sought to make the ANNALS helpful to students of political and social science by furnishing as complete a record as possible of publications and events which have a bearing upon the development of those subjects. Particular attention has been given to the notice and review of books, a large part of each issue of the ANNALS being devoted to this object. In this record the varied interests of those who compose the Academy have been kept in view, and through it the cordial co-operation of scholars in all parts of the world has been enlisted in the work of the Academy. As time has progressed, the editorial conduct of the ANNALS has been strengthened, and the co-operation of an increasing number of scholars has been obtained. Book-reviews

The Academy has been fortunate in preserving the continuity of editorial work, in connection with the ANNALS, and the record of its growth is a continuous one. Editorial management

The first issue of the ANNALS was made in July, 1890. The Board of Editors consisted of Professor Edmund J. James, Editor-in-Chief, and Professors Franklin H. Giddings and Roland P. Falkner as Associate Editors. In the first instance, the ANNALS was issued as a quarterly. The success of the enterprise and the cordial support of scholars which was received, made it possible in the second volume, commencing with the number for July, 1891, to issue the ANNALS every other month.

In the same year the list of editors was enlarged by the addition of the name of Professor James H. Robinson. With the close of the second volume of the ANNALS, Professor Franklin H. Giddings, who had accepted a position at Columbia University, resigned as Associate Editor.

Up to this time there had been no specific distribution of the editorial work, and the care of the Book Department, in particular, had been in the charge of Professors Falkner and Robinson. With the third volume, the first issue of which was in July, 1892, the Editorial Board consisted of Professor Edmund J. James, Editor-in-Chief, Professor Roland P. Falkner and James H. Robinson as Associate Editors. No change occurred in the Editorial Board until January, 1896. But, in the meantime, a somewhat different organization of the editorial work secured the co-operation of a number of other scholars. Thus, the Book Department in Volume III. was in charge of Professor Roland P. Falkner and Dr. Emory R. Johnson. With the issue of July, 1893, which began the fourth volume of the ANNALS, Dr. Emory R. Johnson took exclusive charge of the Book Department, and remained in charge of this work until January, 1896. With the third issue of the fifth volume (November, 1894), there was established in each number of the ANNALS a Department of Notes on Municipal Government, under the charge of Dr. L. S. Rowe, and with the issue of January, 1895, a Department of Sociological Notes, under the charge of Dr. S. M. Lindsay.

The bulk of the ANNALS continued to increase so that the bound volumes became too awkward to handle, and, in accordance with a desire expressed by many readers of the ANNALS, the yearly publications have been, from July, 1895, published as two volumes annually, each volume containing three numbers.*

*The following statement shows in figures the growth of the publishing activity of the Academy:

1890-91	ANNALS,	754 pp.	Supplements,	363 pp.
1891-92	"	896 pp.		
1892-93	"	852 pp.	"	148 pp.
1893-94	"	1016 pp.	"	314 pp.
1894-95	"	1649 pp.	"	178 pp.
1895-96	"	1146 pp.	"	191 pp.
1896-97	"	1124 pp.	"	84 pp.
1897-98	"	978 pp.	"	94 pp.
1898-99	"	902 pp.	"	216 pp.
1899-1900	"	918 pp.	"	208 pp.
1900-01	"	1081 pp.	"	325 pp.

With the issue of January, 1896, a series of changes was made in the editorial conduct of the ANNALS. The removal of Professor James to Chicago made it impossible for him to retain the responsibilities of Editor-in-Chief, but it was the general desire that he should continue his editorial connection with the ANNALS. He became Associate Editor, while the editorship was filled by the promotion of Professor Roland P. Falkner. Professor Robinson had, in the meantime, been called to Columbia University, New York, and found it necessary to give up his work in the ANNALS. His place as Associate Editor was filled by the appointment of Professor Emory R. Johnson, who had long been connected with the Book Department of the ANNALS. This place being thus rendered vacant, it was filled by the appointment of Professor Henry R. Seager, who had charge of the Book Department until January, 1899. Upon his resignation Dr. James T. Young was elected to succeed him, and still serves the ANNALS in that capacity. Since the November issue in 1900, Dr. Frederick A. Cleveland has been associated with Dr. Young in the conduct of the Book Department.

The resignation of Professor Falkner as editor-in-chief of the ANNALS in October, 1900, after his appointment as Chief of Public Documents in the Congressional Library, was accepted with deep regret. The vacancy was filled by the election of Professor Henry R. Seager, who had served as associate editor since 1896, and Dr. Seager assumed the duties of this important post January 1, 1901. At the same time Professor Samuel McCune Lindsay was elected Associate Editor to fill the vacancy caused by Professor Seager's promotion. This necessitated certain changes also in the editorial conduct of the various departments.

Dr. William H. Allen had already, beginning with the ANNALS for July, 1900, been associated with Professor L. S. Rowe in charge of the Department of Municipal Notes, and with the January (1901) issue, Dr. James E. Hagerty assumed charge of the Notes on Sociology. Dr. Edward T. Devine, Secretary of the Charity Organization Society of New York City, became editor of a Department of Notes on Philanthropy, Charities and Social Problems, and Dr. James T. Young, editor of a Department of Notes on Colonies and Colonial Government. With the March (1901) ANNALS a Department of Notes on Industrial Topics was added, under the editorship of Dr. Edward S. Meade.

A distinctive feature of the work of the Academy has been the promotion of scientific research through the publication of longer monographs and articles. The editors have considered solely the scientific value of the material which has been presented to them, and have not hesitated to publish in the ANNALS itself articles whose length considerably exceeds that of the customary contribution to scientific periodicals. In addition to this there have been published from time to time, supplements devoted to various topics connected with the work of the Academy. An inspection of the list which has been published shows important contributions to statistics, economic history, transportation, constitutional law and sociology. To the Academy is due the credit of having first published in the English language a systematic work upon the subject of statistics, and of having made accessible to students of political science the constitutional laws of European nations. Not less important have been the other contributions which have been published in this form. A list of such publications up to the present time, is as follows:

- 1891.—“Public Health and Municipal Government,” by Dr. John S. Billings. Pp. 23.
- 1891.—“History, Theory and Technique of Statistics,” by Prof. August Meitzen; translated by Prof. Roland P. Falkner. Pp. 243.
- 1893.—“Constitution of the United States of Colombia,” translated with an Historical Introduction by Prof. Bernard Moses. Pp. 70.
- 1893.—“Constitutional and Organic Laws of France,” translated with an Historical Introduction by Prof. C. F. A. Currier. Pp. 78.
- 1893.—“Inland Waterways: Their Relation to Transportation,” by Prof. Emory R. Johnson. Pp. 164.
- 1894.—“History of Political Economy,” by Prof. Gustav Cohn; translated by Dr. Joseph Adna Hill. Pp. 142.
- 1894.—“The Theory of Sociology,” by Prof. Franklin H. Giddings. Pp. 80.
- 1894.—“Constitution of the Kingdom of Prussia,” translated and supplied with an Introduction and Notes by Prof. James Harvey Robinson. Pp. 54.
- 1894.—“Constitution of the Kingdom of Italy,” translated and supplied with an Introduction and Notes by Prof. S. M. Lindsay and Prof. L. S. Rowe. Pp. 44.

- 1896.—"The Theory of Social Forces," by Prof. Simon N. Patten. Pp. 151.
- 1896.—"Constitution of the Kingdom of Belgium," translated and supplied with an Introduction and Notes by Prof. John M. Vincent and Ada S. Vincent. Pp. 40.
- 1897.—Handbook of the Academy. Pp. 84.
- 1898.—Handbook of the Academy. Pp. 94.
- 1899.—"The Foreign Policy of the United States, Political and Commercial." Pp. 216. Proceedings of the Third Annual Meeting.
- 1900.—"Corporations and Public Welfare." Pp. 208. Proceedings of the Fourth Annual Meeting.
- 1900.—"Selected Official Documents of the South African Republic and Great Britain," by Hugh Williams and Frederick Charles Hicks. Pp. 72.
- 1901.—"Massachusetts Labor Legislation; An Historical and Critical Study," by Sarah Scovill Whittelsey, Ph. D., Pp. 157.

From time to time Bulletins have been sent out from the ^{Bulletins} office of the Academy, containing notices of meetings, information concerning speakers and publications. In October, 1897, it was decided to make these Bulletins of more permanent value and to issue them at irregular intervals in uniform size and style with the Academy's other publications. The first one in the new series thus inaugurated appeared November 2, 1897, and fourteen Bulletins, aggregating 158 pages, were issued up to January 8, 1901. These were for a time edited by the First Vice-President, but are now under the general conduct of the Editors of the ANNALS. They contain notices of meetings, résumés of the discussion at meetings, answers to correspondents, especially those furnishing bibliographies on various topics, and other items of more or less permanent value for reference. Beginning with the March (1901) ANNALS, the Editors determined to open a Department of Proceedings and Business Notices in the ANNALS, and to include the material heretofore published in the Bulletins. The distinctive purpose aimed at in this department as at present constituted is the same as that described in the following paragraph, which appeared in the first number of the new series of Bulletins:

"The object of this new series of Bulletins, which begins with

the present number, is to furnish members of the Academy with a channel of communication between the membership body and its officers, and between individual members. It is hoped that all members will make use of this for the purpose of securing more intimate relations between those residing at a distance, who may not be able to attend the meetings of the Academy, and those who come more frequently into contact with each other. Information concerning scientific work upon which members of the Academy may be engaged will be gladly received, especially announcements of investigations of any topic upon which members may desire to have the opinion or co-operation of other members. The officers of the Academy will welcome requests for literature on any topic or advice for the guidance of individual members or groups of members, in their private reading and study; also, criticisms of any of the Academy's publications, and suggestions looking to the improvement of the Academy's methods and to the enlargement of its usefulness."

In presenting this brief record of the work of the Academy, we are conscious that the work has been favored by the conservative policy which has retained experienced officers in their positions. Professor Edmund J. James was elected President of the Academy at its first meeting and served for eleven years.

Upon the removal of Professor James to Chicago, it was found necessary, however, inasmuch as Philadelphia is designated as the headquarters of the Academy by the charter, to invest the First Vice-President with the duties of Acting President. Professor Falkner performed these duties with great efficiency and fidelity, and at considerable personal sacrifice, during the period from February, 1896, to July 1, 1897, when, at his request, owing to the time and labor required of him as Editor of the ANNALS, he was relieved of the work of First Vice-President, and Professor Lindsay was chosen to fill the place. In January, 1901, Professor James requested that his name be not considered for re-election to the Presidency because his residence so far from the headquarters, made it increasingly difficult for him, with the growing interests of the Academy, to guide its policy. Professor Samuel McCune Lindsay, whose experience as First Vice-President and Acting President had prepared him for this work, was chosen President. Professor Leo S. Rowe was then chosen First

Vice-President to fill the vacancy caused by Dr. Lindsay's promotion.

It should also be noted that the Constitution of the Academy, which was adopted at the date of organization, and before the Academy was incorporated, was abolished, and a set of by-laws adopted in its place at a Special Business Meeting in December, 1899, and ratified at the Regular Annual Business Meeting in January, 1900. This was done to harmonize the organic law of the Academy with its charter. A few changes were made in the offices. The three Secretaryships were combined into one Secretary and the office of Legal Counsel was added.

We may conclude our record with a summary statement of the officers of the Academy which shows a long continued service on the part of Professor F. H. Giddings as Second Vice-President, Mr. Stuart Wood as Treasurer, and Professor John L. Stewart as Librarian.

President, Edmund J. James, 1890-1901.

Samuel McCune Lindsay, 1901-

First Vice-President, Henry C. Lea, 1890-95.

Roland P. Falkner, 1896-97.

Samuel McCune Lindsay, 1897-1901.

Leo S. Rowe, 1901-

Second Vice-President, F. H. Giddings, 1890-

Third Vice-President, W. P. Holcomb, 1890-94.

Woodrow Wilson, 1895-

Corresponding Secretary, Roland P. Falkner, 1890-95.

Henry R. Seager, 1896-1900.

Recording Secretary, George Henderson, 1890-92.

Clinton Rogers Woodruff, 1893-1900.

General Secretary, Clinton Rogers Woodruff, 1890-92.

John Quincy Adams, 1894-1900.

Secretary, Leo S. Rowe, 1900-01.

James T. Young, 1901-

Treasurer, Stuart Wood, 1890-

Counsel, Clinton Rogers Woodruff, 1900-

Librarian, John L. Stewart, 1890-

The Charter or Certificate of Incorporation

OF

The American Academy of Political and Social Science.

BE IT KNOWN, That the subscribers, having associated themselves together for the purpose of promoting the progress of the political and social sciences, and being desirous of becoming incorporated agreeably to the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act to provide for the Incorporation and Regulation of certain Corporations," approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, and its supplements, do hereby declare, set forth and certify that the following are the purposes, objects, articles and conditions of their said Association, for and upon which they desire to be incorporated:

I. The name of the Corporation shall be THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE.

II. The purpose for which the Corporation is formed is the promotion of the progress of the political and social sciences.

III. The place where the business of said Corporation is to be transacted is the city of Philadelphia.

IV. The Corporation is to exist perpetually.

V. The names and residences of the subscribers are as follows:

Henry Charles Lea, 2000 Walnut St., Philadelphia.

Stuart Wood, 1620 Locust St., Philadelphia.

Roland Post Falkner, 36 Tulpehocken St., Philadelphia.

Joseph G. Rosengarten, 1532 Chestnut St., Philadelphia.

Simon Nelson Patten, 221 DeKalb Square, Philadelphia.

Edmund Janes James, 3722 Locust St., Philadelphia.

VI. The Corporation is to be managed by a Board of Directors, consisting of nine members, and the names and residences of those chosen Directors for the first year are:

Edmund Janes James, 3722 Locust St., Philadelphia.

Franklin H. Giddings, Bryn Mawr, Pennsylvania.

Roland Post Falkner, 36 Tulpehocken St., Philadelphia.

George Henderson, 1420 Master St., Philadelphia.

Henry Charles Lea, 2000 Walnut St., Philadelphia.

William Penn Holcomb, Swarthmore, Pennsylvania.

Clinton Rogers Woodruff, 822 Windsor Square, Phila.

Stuart Wood, 1620 Locust St., Philadelphia.

John Lammey Stewart, 1826 Dickinson St., Philadelphia.

VII. The clear yearly value of the property to be held by the Corporation will not exceed the sum of thirty thousand dollars.

Witness our hands and seals this fourteenth day of February, Anno Domini one thousand eight hundred and ninety-one (1891).

STUART WOOD,

HENRY C. LEA,

ROLAND POST FALKNER,

JOSEPH G. ROSENGARTEN,

SIMON N. PATTEN,

EDMUND J. JAMES.

Commonwealth of Pennsylvania, }
County of Philadelphia. } ss.

Before me, the subscriber, Recorder of Deeds of the County of Philadelphia, personally appeared Roland Post Falkner, Simon N. Patten and Edmund J. James, three of the subscribers of the above and foregoing Certificate of Incorporation of the American Academy of Political and Social Science, and in due form of law acknowledged the same to be their act and deed.

Witness my hand and official seal this fourteenth day of February, Anno Domini 1891.

JOS. K. FLETCHER,

Deputy Recorder.

DECREE.

In the Court of Common Pleas No. 3 of Philadelphia County, of March Term, 1891. No. 314.

And now, this fourth day of April, A. D. 1891, the above Certificate of Incorporation having been presented to me, a Law

Judge of said County, accompanied by due proof of publication of the notice of this application as required by the Act of Assembly and rule of this Court in such case made and provided, I certify that I have examined and perused the said writing, and have found the same to be in proper form and within the purposes named in the first class specified in Section Second of the Act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act to provide for the Incorporation and Regulation of certain Corporations," approved April 29, 1874, and the supplements thereto, and the same appearing to be lawful and not injurious to the community, I do hereby, on motion of C. Stuart Patterson on behalf of petitioners, order and direct that the said Certificate of Incorporation or charter of THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE afore-said be, and the same is hereby approved, and that upon the recording of the same and of this order the subscribers thereto and their associates shall be a corporation by the name of "THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE," for the purposes and upon the terms therein stated.

HENRY REED.

[SEAL]

Recorded in the office for recording deeds in and for the County of Philadelphia, in Charter Book 17, page 123.

Witness my hand and seal of office this fourth day of April, Anno Domini 1891.

THOMAS GREEN,
Recorder of Deeds.

BY-LAWS

OF

The American Academy of Political and Social Science

1. The object of the Academy is the promotion of the political and social sciences in the comprehensive sense of those terms.

With no intention of excluding other suitable means, the following methods may be enumerated as of special importance in furthering the ends of the Society:

(1) Accumulation of a library of works pertaining to the subjects cultivated by the Academy, and, in general, the provision of facilities for research.

(2) Encouragement of investigation by the offering of prizes for specified contributions to science, and by extending pecuniary aid in suitable cases to students and investigators.

(3) Publication of valuable papers and reports presented to the Academy either by members or others.

(4) Regular meetings for the presentation and discussion of papers and other contributions to political and social science.

(5) Dissemination of political and economic knowledge throughout the community by the establishment of public lecture courses in political and social science, and by such other means as may from time to time seem expedient.

2. Any person may become a member of the Academy upon the proposal by any member and the approval of the directors. Annual dues of members shall be five dollars (\$5.00), and all members shall be entitled to receive the regular reports of the proceedings and publications of the Academy. By the payment of one hundred dollars (\$100) any person admitted to membership may become a life member of the Academy, with all privileges of members and exemption from the payment of annual dues.

3. The directors may, by a majority vote of all members, create new forms of membership at their discretion.

4. The control and management of the Academy, in accordance with the provisions of the charter and subject to the restriction of

Board of
Directors

these by-laws, shall be vested in a board of directors, as provided for in the charter, to be elected by the Academy and to serve for a term of three years. After the first election the directors shall organize themselves into three classes, so that the terms of the first class shall expire at the end of one year, those of the second in two years and those of the third in three years, in order that one-third of the board shall be elected each year.

5. The directors shall elect a president, three vice-presidents, a secretary, counsel, a treasurer, and a librarian, who, if not directors, shall become ex-officio members of the board of directors. These officers shall be chosen for one year and shall hold office until their successors are duly qualified. They shall perform such duties as are usually assigned to such officers.

6. The directors shall submit each year at the annual business meeting of the Academy a report of their proceedings and a financial statement.

7. The directors are authorized to make all necessary rules and regulations for the conduct of the Academy and to request the co-operation of members and other persons in its work.

Advisory committee and council

8. The directors are authorized to appoint a general advisory committee of not more than twenty-five persons who shall have attained distinction in the field of political and social science, representing as nearly as may be the different countries in which the Academy has members.

9. The directors are further authorized to appoint a council of not more than fifty members of the Academy, who shall be residents of the United States and shall be known to be persons actively interested in a theoretical or practical way in the study of political and social questions. They shall be the advisors of the directors in matters pertaining to the scientific work of the Academy. They shall hold office for a period of five years, one-fifth of the number being appointed each year.

Meetings

10. The Academy shall hold its annual business meeting for the election of directors and the transaction of other business, on the third Monday of January. Special meetings may be called by the directors.

11. The scientific sessions of the Academy shall be held under the direction of the board of directors at such times and places as they may deem proper.

12. Amendments to the by-laws may be adopted by a majority Amendments of the members present at the annual meeting of the Academy. All proposed amendments must be approved in writing by at least ten members of the Academy. They shall be sent to the secretary, and submitted by him to the members of the Academy at least two weeks before the date of the annual meeting.

OFFICERS

OF

The American Academy of Political and Social Science.

Former President, 1890-1900,

EDMUND J. JAMES, PH. D., University of Chicago.

President,

SAMUEL McCUNE LINDSAY, PH. D., University of Pennsylvania.

Vice-Presidents,

LEO S. ROWE, PH. D.,
University of Pennsylvania.

FRANKLIN H. GIDDINGS, PH. D.,
Columbia University.

WOODROW WILSON, PH. D.,
Princeton University.

Secretary,

JAMES T. YOUNG, PH. D.,
University of Pennsylvania.

Counsel,

CLINTON ROGERS WOODRUFF, Esq.,
Philadelphia.

Treasurer,

STUART WOOD, Esq.,
Philadelphia.

Librarian,

PROF. JOHN L. STEWART,
Lehigh University.

EDITORS OF THE ANNALS.

HENRY R. SEAGER, *Editor.*

Associate Editors,

EMORY R. JOHNSON.

SAMUEL McCUNE LINDSAY.

Note Department Editors.

LEO S. ROWE,
JAMES T. YOUNG,
WILLIAM H. ALLEN,

EDWARD S. MEADE,
FREDERICK A. CLEVELAND,
JAMES E. HAGERTY,

EDWARD T. DEVINE.

GENERAL ADVISORY COMMITTEE.

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London, England.

PROF. C. F. BASTABLE,
Dublin University.

PROF. F. W. BLACKMAR,
University of Texas.

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HON. LYMAN J. GAGE,
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Cornell University.

PROF. E. LEVASSEUR,
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PROF. AUGUST MEITZEN,
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PROF. BERNARD MOSES,
University of California.

PROF. HENRY WADE ROGERS,
Yale University.

PROF. WILLIAM SMART, LL.D.,
University of Glasgow.

SIMON STERNE, Esq.,
New York City.

HON. HANNIS TAYLOR, LL. D.,
Mobile, Ala.

PROF. LESTER F. WARD,
Washington, D. C.

BOARD OF DIRECTORS
OF
The American Academy of Political and Social Science.

Term of office expiring January, 1902:

JOHNSON, EMORY R., Ph. D., University of Pennsylvania.
PATTEN, SIMON N., Ph. D., University of Pennsylvania.
WOODRUFF, CLINTON ROGERS, Esq., Philadelphia.

Term of office expiring January, 1903:

JAMES, EDMUND J., Ph. D., University of Chicago.
LINDSAY, SAMUEL McCUNE, Ph. D., University of Pennsylvania.
SEAGER, HENRY R., Ph. D., University of Pennsylvania.

Term of office expiring January, 1904:

FALKNER, ROLAND P., Ph. D., Washington, D. C.
ROWE, LEO S., Ph. D., University of Pennsylvania.
WOOD, STUART, Esq., Philadelphia.

THE COUNCIL

OF

The American Academy of Political and Social Science.

Term expires.

- 1902.—AMES, Dr. HERMAN V., University of Pennsylvania.
1903.—BALDWIN, Judge SIMEON E., LL. D., New Haven Conn.
1905.—BEARD, Dr. J. N., San Francisco.
1902.—BOYER, Hon. HENRY K., Philadelphia.
1901.—CROWELL, Professor JOHN F., Washington, D. C.
1905.—DANA, Rev. STEPHEN W., D. D., Philadelphia.
1904.—DEVINE, Dr. EDWARD T., New York City.
1903.—DILL, JAMES B., Esq., New York City.
1901.—GARRISON, Professor GEORGE P., University of Texas.
1901.—GILES, WILLIAM A., Esq., Chicago.
1903.—GLADDEN, Rev. WASHINGTON, Columbus, Ohio.
1905.—GOULD, Dr. E. R. L., New York City.
1905.—GRAY, Professor JOHN H., Northwestern University,
Evanston, Ill.
1903.—HAMILTON, JAMES HENRY, Ph. D., Syracuse University.
1903.—HARRISON, CHARLES CUSTIS, LL. D., Provost of the
University of Pennsylvania, Philadelphia.
1905.—HAZARD, Miss CAROLINE, President Wellesley College.
1901.—HENDERSON, Professor C. R., D. D., University of
Chicago.
1901.—HENDERSON, GEORGE, Esq., Philadelphia.
1903.—HERRICK, Professor CHEESMAN A., Central High
School, Philadelphia.
1904.—HILL, Dr. DAVID J., First Assistant Secretary of State,
Washington, D. C.
1903.—HUEY, SAMUEL B., Esq., President of Board of Educa-
tion, Philadelphia.
1901.—HULL, Professor WILLIAM I., Swarthmore College.
1902.—JOHNSON, Professor JOSEPH FRENCH, University of
Pennsylvania.

Term expires.

- 1904.—KEASBEY, Professor L. M., Bryn Mawr College.
1904.—KINLEY, Professor DAVID, University of Illinois.
1901.—LEA, HENRY C., Esq., Philadelphia.
1902.—LEWIS, Professor WILLIAM DRAPER, Dean of the University of Pennsylvania Law School.
1905.—LOOS, Professor ISAAC A., A. M., University of Iowa, Iowa City, Iowa.
1904.—LOW, SETH, LL. D., President of Columbia University, New York City
1904.—LOWELL, A. LAWRENCE, Esq., Boston.
1902.—MAC ALISTER, JAMES, A. M., LL. D., President of Drexel Institute, Philadelphia.
1905.—MACFARLANE, Dr. C. W., Philadelphia.
1903.—MACLEAN, GEORGE E., President of State University of Iowa, Iowa City, Iowa.
1905.—MAYO-SMITH, Professor RICHMOND, Columbia University.
1904.—McNULTY, Professor J. J., College of the City of New York.
1904.—MERCER, GEORGE G., Esq., Philadelphia.
1905.—MORSE, Professor ANSON D., Amherst College.
1901.—RIGHTER, WILMER H., Esq., Philadelphia.
1901.—ROBINSON, Professor JAMES HARVEY, Columbia University.
1902.—ROSENGARTEN, JOSEPH G., Esq., Philadelphia.
1901.—SALMON, Professor LUCY M., Vassar College.
1904.—SCOTT, Professor WILLIAM A., University of Wisconsin.
1902.—SHERWOOD, Professor SIDNEY T., Johns Hopkins University.
1902.—SMITH, EDGAR M., M. A., D. D., President of Illinois Western University, Bloomington, Illinois.
1903.—SPEIRS, Professor F. W., Philadelphia.
1904.—TAYLOR, Professor W. G. L., University of Nebraska.
1902.—WALKER, Professor C. S., Massachusetts State Agricultural College.
1903.—WHITE, Hon. HORACE, New York City.
1905.—WILLIAMS, TALCOTT, LL. D., L. H. D., Philadelphia.
1902.—WRIGHT, Hon. CARROLL D., Washington, D. C.

LIFE MEMBERS

OF

The American Academy of Political and Social Science.

ANDRESEN-MOLLER, C., Consular Agent, United States Army,
Cucuta, Colombia.

BALDWIN, Judge SIMEON E., New Haven, Conn.

BEIJER, GOTTFRIED, 7 Kalendyoton, Malmö, Sweden.

BRACKENRIDGE, GEORGE W., President San Antonio
National Bank, San Antonio, Texas.

CARNEGIE, ANDREW, 5 West Fifty-first St., New York City.

CRAM, ROYS J., 26 Hancock Ave., W., Detroit, Michigan.

DILL, JAMES B., 27 Pine St., New York City.

ELKINTON, THOMAS, 400 South Ninth St., Philadelphia.

FINNEMORE, The Hon. Mr. JUSTICE ROBERT ISAAC, Pieter-
maritzburg, Natal, South Africa.

GARRETT, JOHN B., A. B., Rosemont, Pa.

GAZZAM, JOSEPH M., 611-14 Real Estate Trust Building, Phila-
delphia.

GLENNY, W. H., 1160 Delaware Ave., Buffalo, N. Y.

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